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FEDERAL REGISTER

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Office of Emergency Planning

Section 213.3326 is amended to show that the position, Information Specialist, is excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (a) of § 213.3326 as set out below.

§ 213.3326 Office of Emergency Planning.

(a) *Office of the Director.* * * *

(5) One Information Specialist.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-8005; Filed, Aug. 7, 1964; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Spinach [1]

MISCELLANEOUS AMENDMENTS

On March 13, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 3364) regarding proposed amendments of the U.S. Standards for Grades of Frozen Spinach (7 CFR 52.1921 to 52.1931). Interested parties were given until June 30, 1964 to submit views in connection with the proposed amendments.

Statement of considerations leading to the amendments. No comments or objections to the proposed amendments were received from the frozen spinach packing industry or other interested parties. The majority of the industry that packs the cut leaf style labels the product as "Cut Leaf" frozen spinach; however, some prefer to designate this new style as "Sliced". Both designations are considered applicable. To provide reasonable latitude in marketing and labeling, the style designation proposed as "Cut Leaf" is changed to read "Cut Leaf (or Sliced)." No other changes from the proposed amendments are being made.

After consideration of all relevant matters prescribed, including the proposal set forth in the aforesaid notice, the following amendments to the United States Standards for Grades of Frozen Spinach are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624):

1. In § 52.1922 *Styles of frozen spinach,* change paragraph (b) and add a new paragraph (c), to read as follows:

§ 52.1922 Styles of frozen spinach.

* * * * *

(b) "Chopped" spinach is the style of frozen spinach that consists of the leaf and adjoining portion of the stem which has been cut or chopped predominantly into small pieces less than approximately ¾ inch in the longest dimension.

(c) "Cut leaf (or Sliced)", hereinafter referred to as "cut leaf", spinach is the style of frozen spinach that consists of the leaf and adjoining portion of the stem which has been cut predominantly into large pieces approximating ¾ inch or more in the longest dimension.

2. In § 52.1927 *Defects,* make the following changes:

a. Change paragraph (b) (7) (ii) (*a*) and (*b*);

b. Change the heading of paragraph (c) (2) to read "Chopped" instead of "Cut or chopped style";

c. In paragraph (c), redesignate subparagraph (3) as (4), and insert new subparagraph (3);

d. Change the heading of paragraph (d) (2) to read "Chopped" instead of "Cut or chopped";

e. In paragraph (d), redesignate subparagraph (3) as (4) and insert new subparagraph (3);

f. Change the heading of Table III and add a new Table IV after Table III.

The amended and added portions of § 52.1927 read as follows:

§ 52.1927 Defects.

* * * * *

(b) *Definition of terms.* * * *

(7) * * *

(ii) *Chopped; cut leaf.* (*a*) "Insignificant damage" means transparent areas on a portion of leaf not associated with discoloration of any kind when such transparent portion is not more than ½ square inch; and any discoloration that does not materially affect the appearance or eating quality of the unit.

(*b*) "Damage" means any area of discoloration or other injury, including transparent areas associated with discoloration, on a portion of leaf or stem that materially affects the appearance or eating quality of the unit; and transparent areas whether or not associated with discoloration when such transparent area is more than ½ square inch.

(c) (*A*) *classification.* * * *

(2) *Chopped.* * * *

(3) *Cut leaf.* The area of damage does not exceed the area prescribed for the applicable sample size in Table IV of this section;

* * * * *

(d) (*B*) *classification.* * * *

(2) *Chopped.* * * *

(3) *Cut leaf.* The area of damage does not exceed the area prescribed for the applicable sample size in Table IV of this section;

* * * * *

TABLE III—SUMMARY OF ALLOWANCES FOR DAMAGE IN CHOPPED STYLE SPINACH

* * * * *

TABLE IV—SUMMARY OF ALLOWANCE FOR DAMAGE IN CUT LEAF STYLE SPINACH

Sample size	Area of damaged portions of leaves				
Initial 4 ounces	$^{3}2/_{16}$ square inch or less—Pass for A.	$^{3}3/_{16}$ to $^{3}7/_{16}$ square inch inclusive—Take another 2 ounces.	$^{3}8/_{16}$ to $^{6}7/_{16}$ square inch inclusive—Pass for B.	$^{6}8/_{16}$ to $^{7}2/_{16}$ square inch inclusive—Take another 2 ounces.	More than $^{7}2/_{16}$ square inch—Fails Grade B.
Cumulative 6 ounces.	$^{5}9/_{16}$ square inch or less—Pass for A.	$^{5}1/_{16}$ to $^{10}3/_{16}$ square inch inclusive—Pass for B.	More than $^{10}3/_{16}$ square inch—Fails Grade B.		

§ 52.1928 [Amended]

8. In § 52.1928 *Character,* change heading of paragraph (b) (2) to read *"Cut leaf; chopped"* instead of *"Cut or chopped style";* and change heading of paragraph (c) (2) to read *"Cut leaf; chopped"* instead of *"Cut or chopped style".*

(Secs. 205, 60 Stat. 1090; as amended; 7 U.S.C. 1624)

The amendments to the United States Standards for Grades of Frozen Spinach as contained herein shall become effective thirty days after the date of publication hereof in the FEDERAL REGISTER.

Dated: August 4, 1964.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 64-7999; Filed, Aug. 7, 1964; 8:48 a.m.]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—1965–66 Marketing Year

COUNTY ACREAGE ALLOTMENTS FOR 1965 CROP OF WHEAT

Correction

In F.R. Doc. 64–7168, appearing at page 9927 of the issue for Friday, July 24, 1964, the following corrections are made in the tabular matter of § 728.207:

1. Under Idaho, District 9, the entry for Bannock County in the acreage apportioned column should read "45,907" instead of "45,997".

2. Under Kansas, District 9, the entry for Cowley County in the county wheat base acreage column should read "147,773" instead of "47,773".

3. Under Kentucky, District 5, the entry for Harrison County in the county wheat base acreage column should read "2,790" instead of "2,79".

4. Under Oklahoma, District 8, the entry for Murray County in the county wheat base acreage column should read "2,824" instead of "2,924".

5. Under Washington, District 5, the entry for Grant County in the acreage apportioned column should read "119,214" instead of "199,214".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 96]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.396 Valencia Orange Regulation 96.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 6, 1964.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 9, 1964, and ending at 12:01 a.m., P.s.t., August 16, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 7, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–8103; Filed, Aug. 7, 1964; 11:13 a.m.]

[Lemon Reg. 123]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.423 Lemon Regulation 123.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 4, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 9, 1964, and ending at 12:01 a.m., P.s.t., August 16, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 6, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–8048; Filed, Aug. 7, 1964; 8:51 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Correction

In Federal Register Document 64-7438, published in Part III of the FEDERAL REGISTER dated Thursday, July 30, 1964, paragraph (d) of § 1063.12 (29 F.R. 10935) is corrected to read as follows:

§ 1063.12 Handler.

* * * * *

(d) Any person who operates a partially regulated distributing plant.

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Free, Infected, and Eradication Areas

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 1 through 4 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended (29 F.R. 5313, 6150, 7236, 7921, 8470), are hereby further amended in the following respects:

1. Subparagraph (1) of § 74.2(a) is hereby amended to read:

§ 74.2 Designation of free and infected areas.

(a) * * *

(1) Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Virginia, Washington, Wisconsin, and Wyoming;

* * * * *

§ 74.3 [Amended]

(2) Subparagraph (8) of § 74.3(a) is hereby deleted, and the semicolon at the end of subparagraph (7) of § 74.3(a) is hereby changed to a period.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments add Chester County in the State of Pennsylvania to the list of free areas and delete such county from the infected and eradication areas as sheep scabies is no longer known to exist in this county. The entire State of Pennsylvania has now been designated as a free area. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas, as contained in 9 CFR Part 74, as amended, will not apply to Chester County in Pennsylvania. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply to such county and State.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of August 1964.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 64-8001; Filed, Aug. 7, 1964; 8:49 a.m.]

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Baldwin, Barbour, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, De Kalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Henry, Houston, Jackson, Jefferson, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Morgan, Pike, Randolph, Russell, St. Clair, Shelby, Talladega, Tallapoosa, Walker, Washington, and Winston Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Hawaii. Honolulu County;

Idaho. The entire State;

Illinois. The entire State;

Indiana. Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Floyd, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Harrison, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Knox, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marion, Marshall, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parke, Perry, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, Saint Joseph, Scott, Shelby, Spencer, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warrick, Washington, Wayne, Wells, White, and Whitley Counties;

Iowa. Adams, Audubon, Boone, Carroll, Cherokee, Clinton, Delaware, Dickinson, Emmet, Fayette, Floyd, Greene, Guthrie, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Story, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

Kansas. The entire State;

Kentucky. The entire State;

Louisiana. Ascension, Assumption, Bienville, Claiborne, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Washington, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson, Davis, Jones, Lamar, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. The entire State;

Montana. The entire State;

Nebraska. Adams, Antelope, Banner, Boone, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage,

Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. The entire State;

Oklahoma. Adair, Canadian, Choctaw, Cimarron, Delaware, Garfield, Grant, Haskell, Kingfisher, Latimer, McCurtain, Mayes, Noble, Nowata, Ottawa, Payne, Pushmataha, and Texas Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Spink, Turner, Union, Walworth, and Ziebach Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Andrews, Armstrong, Bailey, Bandera, Baylor, Bexar, Blanco, Borden, Brewster, Briscoe, Burnet, Callahan, Cameron, Carson, Castro, Childress, Cochran, Coke, Coleman, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Fisher, Floyd, Gaines, Garza, Gillespie, Glasscock, Hall, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Medina, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Randall, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Winkler, Yoakum, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Crenshaw County in Alabama; Otero County in Colorado; Adams and Cherokee Counties in Iowa; and Emmons County in North Dakota.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Warren County in Indiana; and Brown County in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of August 1964.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 64-8002; Filed, Aug. 7, 1964; 8:49 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BYPRODUCT MATERIAL

Exemption of Tritium Contained in Balances of Precision

On April 8, 1964, the Commission published in the FEDERAL REGISTER (29 F.R. 4918) proposed amendments of its regulation "Licensing of Byproduct Material", 10 CFR Part 30, which would (1) exempt from licensing the receipt, possession, use, transfer, export, ownership, and acquisition of balances of precision or balance parts containing not more than 0.5 millicurie of tritium per balance part and not more than 1.0 millicurie of tritium per balance, and (2) set out specific licensing requirements for the application of tritium to precision balances or parts and for the import of balances or parts.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within sixty days after publication of the notice in the FEDERAL REGISTER. No adverse comments or comments suggesting changes were received. Except for a minor revision to reflect changes in the Commission's organization, the text of the amendments set out below is identical with the text of the proposed amendments published April 8, 1964.

The Commission has determined that the balance of precision is a product intended for use by the general public. Accordingly, the transfer of possession or control by the manufacturer of a balance of precision containing tritium would not be subject to the licensing and regulatory authority of an agreement State[1] even though the balance is manufactured pursuant to an agreement State license.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendments of Title 10, Chapter I, Part 30, Code of Federal Regulations, are published as a document subject to codification, to be effective thirty days (30) days after publication in the FEDERAL REGISTER.

1. A new section is added to read as follows:

§ 30.14 Balances of precision.

(a) Except for persons who apply tritium balances of precision or the parts thereof and persons who import for sale or distribution balances of precision or the parts thereof containing tritium, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30 of this chapter to the extent that he receives, possesses, uses, transfers, exports,[2] owns or acquires such balances or balance parts, provided that each balance part contains not more than 0.5 millicurie of tritium and each balance contains not more than 1.0 millicurie of tritium.

(b) Any person who desires to apply tritium to balances of precision or the parts thereof for sale or distribution or desires to import for sale or distribution balances of precision or the parts thereof containing tritium, should apply for a specific license, pursuant to § 30.24(o), which license states that the balances of precision or the parts thereof may be distributed by the licensee to persons exempt from the regulations pursuant to paragraph (a) of this section.

2. A new paragraph (o) is added to § 30.24 to read as follows:

[1] A State to which the Commission has transferred certain regulatory authority over radioactive material by formal agreement, pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

[2] Export shipment of precision balances is subject to the licensing authority and regulations of the Department of Commerce. Issuance of an exemption by the Atomic Energy Commission for export of tritium contained in balances of precision or the parts thereof does not relieve any person from complying with the licensing requirements and regulations of the Department of Commerce.

§ 30.24 Special requirements for issuance of specific licenses.

* * * * *

(o) *Balances of precision.* (1) An application for a specific license to apply tritium to balances of precision or the parts thereof, or to import balances of precision or the parts thereof containing tritium, for use pursuant to § 30.14 will be approved if:

(i) The applicant satisfies the general requirements specified in § 30.23; and

(ii) The applicant submits sufficient information regarding the balance parts pertinent to evaluation of the potential radiation exposure, including:

(*a*) Chemical and physical form and maximum quantity of tritium in each balance part;

(*b*) Details of construction and design of the balance part;

(*c*) Details of the method of incorporation and binding of the tritium in the balance part;

(*d*) Procedures for and results of prototype testing of balance parts to demonstrate that the tritium contained in each part will not be released or be removed from the part under normal conditions of use of the balance;

(*e*) Details of quality control procedures to be followed in the fabrication of balance parts containing tritium;

(*f*) Any additional information, including experimental studies and tests, required by the Commission to facilitate determination of the safety of the balance part.

(iii) Each balance part will contain no more than 0.5 millicurie of tritium and each balance will contain no more than 1.0 millicurie of tritium.

(iv) The Commission determines that:

(*a*) The method of incorporation and binding of the tritium in the balance part is such that the tritium will not be released or be removed from the part under normal conditions of use and handling; and

(*b*) The tritium is incorporated or enclosed in the balance part so as to preclude direct physical contact with the tritium by any person under ordinary circumstances of use.

(2) Each person licensed under this paragraph shall file an annual report with the Director, Division of Materials Licensing, which shall state the total quantity of tritium transferred to other persons under § 30.14, during the reporting period, in the form of balances of precision or the parts thereof. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 82, 68 Stat. 935; 42 U.S.C. 2112)

Dated at Washington, D.C., this 28th day of July 1964.

For the Atomic Energy Commission.

W. B. McCool,
Secretary to the Commission.

[F.R. Doc. 64-7959; Filed, Aug. 7, 1964; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-SW-26]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

The purpose of this amendment to Part 73 [New] of the Federal Aviation Regulations is to alter Restricted Area R-5106 at Orogrande, N. Mex. It has been determined that activities conducted within the boundaries of R-5106 no longer require the airspace between 4,000 and 6,000 feet above the surface. Therefore, this area is hereby returned to unrestricted use by the public.

Since the change effected by this amendment is less restrictive in nature than the present requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment shall be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 73 [New] of the Federal Aviation Regulations is amended as hereinafter set forth.

In § 73.51 (29 F.R. 1264), the Orogrande, N. Mex., Restricted Area R-5106 is amended by deleting "Designated altitudes. From 4,000 feet above the surface to unlimited." and substituting, therefor, "Designated altitudes. From 10,000 feet MSL to unlimited."

This amendment is made under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 31, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-7966; Filed, Aug. 7, 1964; 8:45 a.m.]

[Docket No. 6007; Amdt. 99]

PART 99—SECURITY CONTROL OF AIR TRAFFIC [NEW]

Special Requirements; Panama Canal ADIZ

On July 1, 1964, Part 99 of the Federal Aviation Regulations was amended to establish an Air Defense Identification Zone over the Panama Canal Zone to require position reports and flight plans from pilots operating civil aircraft into or within the ADIZ. Under the ADIZ concept, the airspace under 2500 feet would continue as a military airspace restricted area and there would be numerous danger areas designated over the Canal and waters at each end of the Canal.

Instrument flight rule flights within the ADIZ are subject to the routes and reporting points prescribed for the Panama control area. The clearances associated with IFR operations provide for route navigation as well as radar navigation within the ADIZ, thus assuring the specific positioning of aircraft in the airspace overlying the zone.

On the other hand, DVFR flights are not subject to such specific positioning but are subject to flight planning and position reporting. The Department of Defense considers, however, that the same requirements should exist with respect to both IFR and DVFR flights in the interests of national defense. The only practical result of the change is to require advance approval of DVFR flight plans in order to secure specific positioning of all aircraft.

Inasmuch as this amendment relates to defense needs, I find it contrary to the public interest to comply with the notice, public procedure, and effective date requirements of the Administrative Procedure Act, and therefore this amendment may become effective in less than 30 days.

In consideration of the foregoing, Part 99 of the Federal Aviation Regulations is amended by adding the following new section after § 99.31, effective at 0001 e.s.t. (0501Z) on August 10, 1964.

§ 99.33 Flight plans: Panama Canal Zone Domestic ADIZ.

Civil aircraft may operate within the Panama Canal Zone Domestic ADIZ only under a flight plan that has been approved by appropriate military authority acting through an FAA air traffic control facility.

(Secs. 307, 1201, and 1202 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510, and 1522)

Issued in Washington, D.C., on August 5, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-8047; Filed, Aug. 7, 1964; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-790]

PART 13—PROHIBITED TRADE PRACTICES

Battlestein's, Inc.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act. Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1280 *Price;* § 13.1255 *Manufacture or preparation:* 13.1255-30 Fur Products Labeling Act.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 13.1852–70 Textile Fiber Products Identification Act; § 13.1865 *Manufacture or preparation:* 13.1865–40 Fur Products Labeling Act; § 13.1900 *Source or origin:* 13.1900–40 Fur Products Labeling Act: 13.1900–40(a) Maker; 13.1900–40(b) Place. Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 72 Stat. 1717; 15 U.S.C. 45, 69f, 70) [Cease and desist order, Battelstein's Inc., Houston, Tex., Docket C–790, July 16, 1964]

Consent order requiring a Houston, Tex., retailer of fur and textile fiber products to cease violating the Fur Products Labeling Act by labeling fur products with excessive prices represented as former regular prices, labeling artificially colored furs as natural and failing to disclose on labels the true animal name of fur, identification of the manufacturer, etc., and when fur was natural; failing on labels and invoices to use the term "natural" for furs that were not dyed or bleached; failing in invoicing and advertising, to show when fur was artificially colored; failing to show the country of origin of imported furs and naming animals other than those producing certain furs, in advertising; mutilating required labels prior to ultimate sale of fur products; and failing in other respects to comply with requirements of the Act; and to cease violating the Textile Fiber Products Identification Act by advertising textile products in newspapers without giving the fiber content, as, for example "Gaberdine", "Broadcloth", "Dacron", "Corduroy", etc., and by using fiber trademarks in advertising wearing apparel without a full disclosure of the fiber content information as required.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Battelstein's, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur products; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing directly or by implication, on labels, that any amount, whether accompanied or not by descriptive terminology, is the respondent's former price of fur products when such amount is in excess of the actual, bona fide price at which respondent offered the fur products to the public on a regular basis for a reasonably substantial period of time in the recent, regular course of business.

2. Misrepresenting in any manner on labels or other means of identification the savings available to purchasers of respondent's fur products.

3. Falsely or deceptively representing in any manner, directly or by implication, on labels or other means of identification that prices of respondent's fur products are reduced.

4. Representing directly or by implication on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

6. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

7. Failing to completely set out information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of the labels affixed to fur products.

8. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

9. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

10. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

11. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

4. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Sets forth the name or names of any animal or animals other than the name of the animal producing the furs contained in the fur product as specified in the Fur Products Name Guide and as prescribed by the rules and regulations.

3. Represents, directly or by implication, that any price, whether accompanied or not by descriptive terminology is the respondent's former price of fur products when such amount is in excess of the actual, bona fide price at which respondent offered the fur products to the public on a regular basis for a reasonably substantial period of time in the recent, regular course of business.

4. Misrepresents in any manner the savings available to purchasers of respondent's fur products.

5. Falsely or deceptively represents in any manner that prices of respondent's fur products are reduced.

It is further ordered, That respondent Battelstein's, Inc., a corporation, and its officers and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from mutilating or causing or participating in the mutilation of, prior to the time any fur product subject to the provisions of the Fur Products Labeling Act is sold and delivered to the ultimate consumer, any label required by the said Act to be affixed to such fur product.

It is further ordered, That respondent Battelstein's, Inc., a corporation and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: July 16, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-7971; Filed, Aug. 7, 1964; 8:46 a.m.]

[Docket No. C-789]

PART 13—PROHIBITED TRADE PRACTICES

Arnoth W. Goddard et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.90 *History of product or offering;* § 13.155 *Prices:* 13.155–78 Repossession balances;[1] § 13.235 *Source or origin:* 13.235–35 History.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Arnoth W. Goddard et al. doing business as Quad-City Sewing Machine Company etc., Davenport, Iowa, Docket C-789, July 16, 1964]

In the Matter of Arnoth W. Goddard and Alice Maxine Goddard, Individuals Trading and Doing Business as Quad-City Sewing Machine Company and as Q. C. S. Finance Dept.

Consent order requiring Davenport, Iowa, retail sellers of sewing machines to cease representing falsely, in advertisements in newspapers and in advertising circulars and by their agents, that sewing machines offered at special prices were repossessed, that such machines were being sold at reduced prices for banks and finance companies by reason of default in payment by previous purchasers, and that they carried a lifetime guarantee.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Arnoth W. Goddard and Alice Maxine Goddard, individuals trading and doing business as Quad-City Sewing Machine Company and as Q.C.S. Finance Dept., or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machines or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using in any manner, a sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the sale of merchandise or services.

2. Discouraging the purchase of or disparaging any merchandise or services which are advertised or offered for sale.

3. Representing, directly or by implication, that any merchandise or services are offered for sale, when such offer is not a bona fide offer to sell said merchandise or services.

4. Representing, directly or by implication, that merchandise offered for sale had been repossessed or that respondents are selling such merchandise for banks or finance companies: *Provided, however,* That it shall be a defense herein for respondent to establish that merchandise offered for sale by them actually had been repossessed, or that respondents are actually selling such merchandise for banks or finance companies.

5. Representing, directly or by implication, that any price, whether or not accompanied by descriptive terminology, is respondents' former price of merchandise when such amount is in excess of the actual, bona fide price at which respondents offered the merchandise to the public on a regular basis for a reasonably substantial period of time in the recent, regular course of business.

6. Misrepresenting, by means of comparative prices, or in any other manner, the savings available to purchasers of respondents' merchandise.

7. Representing, directly or by implication, that any of respondents' products are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

Is is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 16, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-7972; Filed, Aug. 7, 1964; 8:46 a.m.]

[1] New.

[Docket No. C-788]

PART 13—PROHIBITED TRADE PRACTICES

Lafayette Radio Electronics Corp.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.130 *Manufacture or preparation;* § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary; 13.155–100 Usual as reduced, special, etc.; § 13.175 *Quality of product or service;* § 13.265 *Tests and investigations;* § 13.280 *Unique nature or advantages.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Lafayette Radio Electronics Corporation, Long Island, N.Y., Docket C-788, July 14, 1964]

Consent order requiring a Long Island, N.Y., manufacturer of radios, phonograph equipment, radio electronic equipment and general merchandise, which operated its own retail stores in New York, Massachusetts, and New Jersey, and sold also to associated stores in various other states and by mail, to cease—in its catalogs and in advertising in magazines and newspapers—misrepresenting the regular and former prices of its products, and savings available to purchasers at the advertised prices; representing falsely that TV tubes and stereo phonograph needles were guaranteed for a full year; and misrepresenting the quality and composition, unique nature, and testing of its phonograph needles and styli.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Lafayette Radio Electronics Corporation, a corporation and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of radios, phonograph equipment, radio electronic equipment or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. a. Using the words "Regularly", "Regular", "Was", or any other words or terms of similar import, to refer to any price which is in excess of the actual, bona fide price at which the article referred to was offered to the public by respondent in the recent, regular course of its business for a reasonably substantial period of time in the trade area where the representation is made;

b. Otherwise misrepresenting respondent's former offering price of such merchandise to the public in the recent, regular course of its business in the trade area where the representation is made;

c. Misrepresenting in any manner the savings available to purchasers of respondent's merchandise from the actual, bona fide prices at which such merchandise was offered to the public by respondent in the recent, regular course of its business for a reasonably substantial period of time in the trade area where the representation is made;

2. a. Using the expression "Price if Purchased Separately" or any other words or terms of similar import, to refer to any price which is in excess of the actual, bona fide price at which such merchandise is being offered to the public on a regular basis by respondent if purchased separately in the trade area where the representation is made;

b. Misrepresenting in any manner the savings available to purchasers of a combination or group of products from the total of the actual, bona fide prices at which such products are being offered to the public on a regular basis by respondent if purchased separately in the trade area where the representation is made;

3. a. Using the expression "without trade-in", or any other words or terms of similar import, to refer to any price which is in excess of the actual, bona fide price at which such merchandise is being offered to the public on a regular basis by respondent without a trade-in in the trade area where the representation is made;

b. Misrepresenting in any manner the savings available to purchasers of respondent's merchandise by virtue of a trade-in from the actual, bona fide price at which such merchandise is being offered to the public on a regular basis by respondent without a trade-in in the trade area where the representation is made;

4. Using the term "Sale" or any other word of similar import or meaning, as a designation for any catalogue, circular, newspaper or direct mail advertising, unless the prices at which a major portion of the items of merchandise contained therein are offered constitute reductions from the actual, bona fide prices at which said items of merchandise were offered to the public by respondent in the recent, regular course of its business for a reasonably substantial period of time in the trade area where the representations are made and the amount of each such reduction is not so insignificant as to be meaningless, or represent reductions from the prices at which said items of merchandise or comparable merchandise are offered for sale in the trade area where the representations are made and, in the latter instances, the basis for the represented reductions are clearly and conspicuously stated and the amount of each such reduction is not so insignificant as to be meaningless;

5. Representing, directly or by implication, that such merchandise is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor (except when it is respondent), and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

6. a. Representing, directly or by implication that only respondent's phonograph needles or styli are:

A. Made from whole diamonds;

B. Precision ground and polished;

C. Shadowgraph tested;

b. Representing, directly or by implication that respondent's phonograph needles or styli are:

A. Vertically and edgewise grain oriented;

B. Individually shadowgraph tested;

C. Mispresenting in any manner the exclusiveness of any feature or characteristic, or the method of manufacture, processing or testing of respondent's phonograph needles, styli or phonograph equipment;

7. Using the term "sapphire" or any other word or term connoting a precious stone to describe or designate a phonograph needle or stylus containing a synthetic stone unless the synthetic nature thereof is affirmatively and clearly disclosed.

Provided, however, That respondent's use of its catalogues and flyers in its retail stores for the purpose of (A) distributing the same to its customers and (B) permitting its customers to use the same to serve themselves, shall not be deemed to be a violation of Paragraphs 1, 2, 3, and 4 of this order because of the circumstances that at the time one or more articles of merchandise listed in such catalogues or flyers may then be selling in respondent's retail stores at prices which may be under the prices shown for those articles of merchandise in said catalogues and flyers.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: July 14, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-7973; Filed, Aug. 7, 1964; 8:46 a.m.]

[Docket No. C-785]

PART 13—PROHIBITED TRADE PRACTICES

Hymann Maurer et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act; § 13.1255 *Manufacture or preparation:* 13.1255-30 Fur Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* 13.1590-30 Fur Products Labeling Act; § 13.1680 *Manufacture or preparation:* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* 13.1865-40 Fur Products Labeling Act; § 13.1900 *Source or origin:* 13.1900-40 Fur Products Labeling Act: 13.1900-40 Place.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Hymann Maurer et al. trading as H. Maurer & Son, New York, N.Y., Docket C-785, July 13, 1964]

In the Matter of Hymann Maurer, and Maurice Maurer, Individually and as Copartners Trading as H. Maurer & Son

Consent order requiring manufacturing furriers in New York City to cease violating the Fur Products Labeling Act by failing, in labeling and invoicing, to show the true animal name of fur; failing in labeling and advertising, to disclose when fur was artificially colored; labeling American Sable as "Sable" and using the word "blended" improperly on labels; failing to show the country of origin of imported furs, using the term "Broadtail" improperly and showing artificially colored furs as "natural" on invoices; and failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Hyman Maurer and Maurice Maurer, individually and as copartners trading as H. Maurer & Son or under any other trade name, and respondents' representatives, agents and employees directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth the term "blended" or any term of like import on labels as part of the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing, tip-dyeing or otherwise artificial coloring of furs contained in fur products.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

5. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

6. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices as the term "invoice" is defined in the Fur Products Labeling Act showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Representing directly or by implication on invoices that the fur contained in fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

5. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

6. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-7974; Filed, Aug. 7, 1964; 8:46 a.m.]

[Docket No. C-792]

PART 13—PROHIBITED TRADE PRACTICES

Winter Products, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* 13.1590-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* 13.1865-40 Fur Products Labeling Act; § 13.1900 *Source or origin:* 13.1900-40 Fur Products Labeling Act: 13.1900-40 (b) Place.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Winter Products, Inc., et al., New York, N.Y., Docket C-792, July 17, 1964]

In the Matter of Winter Products, Inc., a Corporation, and Jack Winter, Daniel Levy, Charles Miranda and Mark Benson, Individually and as Officers of Said Corporation

Consent order requiring New York City manufacturers of fur trimmings, millinery, muffs and neck pieces, to cease violating the Fur Products Labeling Act by labeling and invoicing American Sable, as "Tip-dyed Sable" or "Sable", failing to show the true animal name of fur and when fur was artificially colored, and to set forth such terms as "Dyed Broadtail-processed Lamb" as required, on labels and invoices; invoicing processed fur falsely as "Persian"; failing to use such terms as "Blended", "Natural" and "Persian, Lamb" properly on invoices; and failing in other respects to comply with labeling and invoicing requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Winter Products, Inc., a corporation, and its officers and Jack Winter, Daniel Levy, Charles Miranda and Mark Benson, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Failing to set forth the term "Dyed Mouton Lamb" on labels in the manner required where an election is made to use that term instead of the term "Dyed Lamb".

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" on labels in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb".

5. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all of the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Representing, directly or by implication, on any invoice relating to any fur product that such fur product contains the fur of a fur-bearing animal when the fur product does not contain the fur of such fur-bearing animal.

4. Using the term "Persian" or any other words or terms of similar import on invoices in such a manner as to imply that the product contains the fur of the Persian Lamb when such fur products does not contain the fur of the Persian Lamb.

5. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

6. Setting forth the term "Blended" or any term of like import as part of the information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe pointing, bleaching, dyeing, tipdyeing or otherwise artificial coloring of furs contained in fur products.

7. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and the rules and regulation promulgated thereunder to describe fur products which were not pointed, bleached, dyed, tipdyed, or otherwise artificially colored.

8. Failing to set forth on invoices the item number or mark assigned to a fur product.

9. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 17, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-7975; Filed, Aug. 7, 1964; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 148n—OXYTETRACYCLINE

Tests and Methods of Assay and Certification of Antibiotic Drugs Subject to Drug Amendments of 1962

Correction

In F.R. Doc. 64-7735, appearing at page 11343 of the issue for Thursday, August 6, 1964, the following corrections are made:

1. In § 148n.5(a)(4), "$10.00" in the first phrase should read "$5.00".
2. In § 148n.11(a)(4), "$10.00" in the first phrase should read "$5.00".
3. In § 148n.19(a)(3)(ii)(*a*), "500 milligrams" should read "300 milligrams".

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 519—EMPLOYMENT OF FULL-TIME STUDENTS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Terms and Conditions; Provision for Reappraisal

On the basis of the Department's experience in the administration of 29 CFR Part 519, I have concluded that the special provision contained in 29 CFR 519.6(c)(1) for reappraisal of these regulations is no longer necessary. Therefore, pursuant to section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), I hereby amend that subparagraph by deleting the phrase, "until after reappraisal of this part in 1964". Future reappraisals of the regulations may, however, still be conducted from time to time in accordance with 29 CFR 519.10.

As this amendment merely changes a rule of agency practice, notice of proposed rule making, public participation in its adoption, and delay in its effective date are excepted from the requirements of the Administrative Procedure Act (5 U.S.C. 1003). I do not believe that such procedure will serve a useful purpose here. Accordingly the amendment shall become effective immediately.

As amended, 29 CFR 519.6(c)(1) reads as follows:

§ 519.6 Terms and conditions of employment under full-time student certificates.

* * * * *

(c)(1) The maximum number of hours of employment of full-time students that may be compensable at special minimum wages in any calendar or fiscal month is generally limited by the past practice of the establishment during the corresponding calendar or fiscal month in the year from May 1960 through April 1961, which will be the base year. The corresponding calendar or fiscal month in the base year is the so-called "base period", except that, due to the variable date of Easter, the March–April base may be combined.

(Sec. 11, Pub. Law 87-30; 75 Stat. 74; 29 U.S.C. 214)

Signed at Washington, D.C., this 3rd day of August 1964.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 64-7988; Filed, Aug. 7, 1964; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER N—COMMERCIAL INSURANCE

PART 278—MOTOR VEHICLE LIABILITY INSURANCE

Revision

The Deputy Secretary of Defense approved the following revision to Part 278 on April 15, 1964:

Sec.
278.1 Purpose.
278.2 Applicability.
278.3 Responsibility.
278.4 Financial responsibility.
278.5 General requirements.
278.6 Insurers, agents, and insurance policies.
278.7 Exceptions.
278.8 Reports.

AUTHORITY: The provisions of this Part 278 issued under sec. 161, R.S., 5 U.S.C. 22.

§ 278.1 Purpose.

(a) This part establishes uniform requirements for motor vehicle liability insurance coverage for all military and civilian personnel extended driving and parking privileges on military installations within the United States.

(b) This part also establishes uniform requirements for the accreditation of insurers for the solicitation and sale on military installations of motor vehicle liability insurance.

§ 278.2 Applicability.

The provisions of this part apply to all DoD Components and to military and civilian operators of privately-owned vehicles registered or allowed driving or parking privileges on military installations located within the United States.

§ 278.3 Responsibility.

The Assistant Secretary of Defense (Manpower) (ASD(M)) shall administer the motor vehicle liability insurance program and assure its effective implementation throughout the DoD.

§ 278.4 Financial responsibility.

Individuals who drive motor vehicles normally take reasonable steps (in both their own and in the public interest) to insure their financial ability to respond should they be found at fault in the event of accident resulting in damage or injury. Motor vehicle liability insurance is the customary method by which individuals are enabled to satisfy losses for which they may be found responsible.

§ 278.5 General requirements.

(a) *Driving and parking privileges.* To secure and retain driving and parking privileges on military installations, all military and civilian personnel must possess motor vehicle liability insurance which meets the requirements of this part.

(b) *Motor vehicle liability insurance counseling.* (1) Commanders will provide counseling for personnel under their command on the purchase of motor vehicle liability insurance and publish, periodically, information on driver responsibility under state and local laws. Notices will clearly state that judgments rendered against an individual growing out of an automobile accident could possibly require, in satisfaction thereof, the major portion of personal earnings for many years and that failure to settle promptly damage claims for which responsible reflects discredit on the DoD.

(2) Military personnel in Grades E-1, E-2, and E-3, when first reporting on a base shall be counseled by an officer qualified on the subject of insurance laws and regulations of the state in which the installation is located. Such personnel should also be advised to contact the counseling officer prior to the purchase of an automobile for current information on insurance requirements.

(3) All other personnel will be similarly advised when first reporting to a base on permanent change of station orders.

(4) Importance of a safe driving record will be stressed in counseling including the information that some insurers, and the assigned risk plans of many of the States, offer coverage with substantial savings in premiums to individuals who have removed themselves from extra risk classifications, requiring premium surcharges, by successfully completing driver training courses or by maintaining accident-free driving records which can be authenticated.

(c) *Cooperation with State and local authorities.* (1) Installation commanders will cooperate with State and local officials responsible for administering State and local laws and regulations relating to the insurance and operation of motor vehicles by requiring that:

(i) Personnel assigned to handle motor vehicle liability insurance matters receive training and instruction in the requirements of this part;

(ii) All correspondence and applications for accreditation and permission to solicit are promptly and courteously acted upon; and

(iii) The State Insurance Commissioner be advised of the names or office and telephone number and address of the element of each installation staff responsible for insurance matters.

(2) Cooperation will be extended to school officials, automobile associations, Armed Forces-State Traffic Safety Workshop Program, commercial private driver training course operators, and to

civic groups concerned with public highway safety.

(3) Assistance in obtaining assigned risk insurance will be given to personnel, particularly young motor vehicle operators, who are otherwise unable to obtain automobile liability insurance coverage; to this end, installation commanders will insure the maintenance of good relations and liaison with State officials responsible for administering "assigned risk plans" and financial responsibility laws.

(d) *Courses in driver training.* Installation commanders are responsible for administering an effective driver training program. Courses will be complete or remedial, and attendance of problem drivers may be made mandatory at the discretion of the installation commander.

§ 278.6 Insurers, agents, and insurance policies.

(a) *Definitions.* As used in this part, the following definitions apply:

(1) "Accepted insurer" means an insurer whose policies meet the minimum requirements of this part for on-base driving and parking privileges (§ 278.6 (b)(3)).

(2) "Accredited insurer" means an insurer authorized on-base solicitation privileges for the purpose of selling accepted motor vehicle liability insurance policies.

(b) *Minimum requirements.* (1) To be designated an accepted insurer, including insurers doing business by mail, insurers must provide the installation commander or the policyholder with a certificate signed by authorized officials of the company (with the understanding that a knowing and willful false statement is punishable by fine and imprisonment (18 U.S.C. 1001)) stating that the insurer is licensed in the State in which the installation is located and that its policies meet the standards prescribed in subparagraph (3) of this paragraph.

(2) To be designated an accredited insurer the insurer must submit the certificate as required in § 278.6(b)(1) and also:

(i) List the name, complete address, and telephone number of each agent authorized by the insurer to solicit business on the military installation.

(ii) Include a statement that:

(*a*) All future accessions and separations of agents employed by the insurer will be reported; and that

(*b*) The insurer assumes full responsibility for the acts of its agents in connection with the sale of insurance to military personnel.

(3) Policies sold by both accepted and accredited insurers shall meet all statutory and regulatory requirements of the State in which the installation is located and in addition will:

(i) Be issued in policy amounts not lower than the minimum limits prescribed in the financial responsibility, or compulsory, law of the State in which the installation is located.

(ii) Clearly identify the name of the insurer and its full address:

(*a*) Applications without the name and address of the insurer underwriting the insurance appearing thereon may not be used; the names of sales or underwriting agents alone will not qualify.

(*b*) Post Office Box addresses do not qualify as an acceptable address.

(iii) Provide bodily injury and property damage liability coverage for all drivers authorized by the named insured to operate the vehicle. Military endorsements excluding persons other than the named insured whether in the military or not are not acceptable.

(iv) Not contain unusual limitations or restrictions including, but not limited to, restrictions of the following nature:

(*a*) Territorial limitations except if the installation is located within the United States the standard limitation limiting coverage to the United States and Canada is acceptable.

(*b*) Coverage limited to exclude liability for bodily injury to passengers and guests if such liability exists as a matter of law.

(c) *Suspension or withdrawal of the solicitation and accreditation privilege.* (1) The conduct of a private business including the solicitation and sale of insurance on a military installation is a privilege, the control of which is a responsibility vested in the installation commmander subject to compliance with this part.

(2) The suspension or withdrawal, for cause, of the on-base solicitation or accreditation privilege of agents or insurers should only be invoked for good and sufficient reasons, such as, but not limited to:

(i) Violation of DoD regulations.

(ii) Substantiated adverse reports from State insurance commissioners, other authorities, State or Federal, and recognized financial or insurance advisory services.

(iii) The use of any manipulative, deceptive, or fraudulent device, scheme, or artifice, including misleading advertising or other misleading sales literature.

(iv) The solicitation (by mail or otherwise) urging the purchase of insurance when such communications or presentations are composed or delivered in any manner which gives rise to any appearance that the offer is sponsored or has the endorsement of the DoD or any element thereof.

(v) The offering for sale of any insurance policy or rider which fails to meet the requirements of this part.

(3) Installation commanders may suspend indefinitely the privilege of on-base solicitation or accreditation granted to agents or insurers for cause, or withhold the privilege of solicitation when classified operations are in progress or when such action is determined to be in the best interest of national security or in conflict with the military mission of the installation. When suspension occurs for reasons such as those enumerated in subparagraph (2) of this paragraph, the reason therefor will be included in prompt notifications to the insurer; agent; insurance commissioner of the State in which the insurer is domiciled and the agent is licensed; insurance commissioner of the State in which the installation is located; and the Secretary of the Military Department concerned, including a recommendation as to whether the suspension should be extended throughout the Department.

(4) The Secretary of a Military Department may extend the suspension action of an installation commander throughout the Department concerned, or order such a suspension without the recommendation of an installation commander. When the Secretary of a Military Department directs servicewide suspension he will notify promptly the other addressees listed in subparagraph (3) of this paragraph; the Secretaries of the other Military Departments, who will order the extension of the same actions throughout their Departments without delay; and the ASD(M).

(5) The Assistant Secretary of Defense (Manpower) may (i) direct the suspension of the privilege of solicitation or the withdrawal of accreditation for agents and insurers throughout the DoD and (ii) the restoration thereof.

§ 278.7 Exceptions.

(a) For Defense members: (1) Driving and parking privileges will be granted on military installations to personnel who present policies from insurers licensed in the state where the policies were purchased and that satisfy the requirements of this part, except for the insurer being licensed in the State in which the installation of current assignment is located, if such policies were purchased:

(i) Prior to entry into service or before transfer from an installment in another State;

(ii) From an insurer licensed in a State where the defense member maintains current residence and the vehicle is principally garaged (e.g. the commuter who is living in one State and is on duty or is employed in another State).

(2) Driving and parking privileges will be continued on military installations for personnel who purchased motor vehicle liability insurance which qualified for on-base driving and parking privileges prior to the effective date of this part but such privileges will expire one year from the effective date of this part, or upon expiration of the present policy whichever date occurs first if such insurance does not then meet the standards of this part.

(3) Additionally, when justified in individual cases, installation commanders may continue present driving and parking privileges and grant reasonable extensions of time in which to purchase motor vehicle liability insurance meeting the requirements of this part for those defense members who qualified for on-base driving and parking privileges prior to the effective date of this part.

(b) For insurers: An insurer who is not licensed in the State in which the installation is located may be permitted to service (e.g. collection of premiums, amending policy coverage, claims adjustments, etc.) its policyholders on-base, as distinguished from soliciting new business, provided the:

(1) Policyholders to be serviced hold policies meeting the requirements of § 278.6(b)(3), or who are granted exceptions under paragraph (a) of this section;

(2) Insurer is unable to secure a State license in the State in which the installation is located and, upon application for a waiver thereof, is granted a waiver as provided by paragraph (c) of this section. The letter of application may be filed with the Assistant Secretary of Defense (Manpower), Washington, D.C., 20301, in affidavit form, signed by its President or Vice President (with the understanding that knowing and willful false statement is punishable by fine or imprisonment (18 U.S.C. 1001)) indicating the State or States in which the waiver is requested. To be considered for a DoD waiver such letter of application must—

(i) Contain statements that:

(*a*) Fully explain the reasons for inability to secure a State license.

(*b*) Either the law of the State(s) in which the installation(s) is (are) located authorizes the filing of a power of attorney with the appropriate official permitting him to accept service of process for the company and that such power of attorney is on file, or, if the Unauthorized Insurers Service of Process Act has been enacted in that (those) State(s), that the insurer agrees to be subject to it in connection with military business.

(*c*) The insurer will make all filings and postings on behalf of any of its insureds necessary to satisfy all financial responsibility and security filing laws of the State(s) in which the installation(s) is (are) located.

(*d*) All automobile liability insurance policies sold to defense personnel, both currently used and presently outstanding, meet the requirements prescribed in this part except for State licensing.

(*e*) The insurer has a current general policyholders rating of "Good" or better by Alfred M. Best, Inc., New York, N.Y.

(*f*) Copies of the certificate from the home State commissioner and of this letter of application have been sent to the commissioner(s) of the State(s) in which the installation(s) is (are) located.

(ii) Enclose certificates from the insurance commissioner of the State of domicile stating:

(*a*) That the statutory amounts necessary to meet minimum capital, surplus, and deposit requirements are not less than such statutory amounts required in the State(s) in which the installation(s) is (are) located.

(*b*) The insurer's policyholders' surplus as shown by Line 27, Page 3, of its Annual Statement, and, if a stock company, the amount thereof which is capital as shown by said statement.

(*c*) The aggregate amount of general deposits in all States for the benefit of all policyholders.

(c) The Assistant Secretary of Defense (Manpower) will appoint a designee of his office, to be assisted by a representative from each Military Department, to determine insurer eligibility for waivers based upon the letters of application submitted in accordance with paragraph (b) of this section. Notifications will be dispatched by the Military Departments to all installations in the States affected in order that military members, holding policies which qualify under this exception to State licensing, may receive uninterrupted on-base driving and parking privileges.

§ 278.8 Reports.

(a) The military departments will report in duplicate to the ASD(M), the following violations and actions taken immediately after such violations occur. (As a minimum, the name of the insurer and the agent, and a description of the violation will be reported.) Report violations by insurers or agents resulting in the suspension of the accreditation or solicitation privilege:

(1) On one or more military installations, but less than Departmentwide. (Appropriate notices will also be dispatched concurrently to the addressees listed in § 278.6(c) (3)).

(2) Throughout the military departments: (Appropriate notices will also be dispatched concurrently to the addressees listed in § 278.6(c) (3) and (4)).

(b) This reporting requirement is assigned Report Control Symbol DD-M (AR) 601.

Effective date. This part shall be effective on the first day after the third full month following date of issuance.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 64-7994; Filed, Aug. 7, 1964; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

PART 53—COD

PART 54—PAYMENT FOR LOSSES

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 15.1 subparagraphs (1) and (2) of paragraph (a) and subparagraph (2) of paragraph (b) are amended for the purpose of clarification to read as follows:

§ 15.1 Legal restrictions.

(a) *Harmful matter.* (1) Certain items barred from the mail, as set forth in Part 14, may be mailed if prepared and packaged in accordance with this part. These are items not outwardly or of their own force dangerous or injurious to life, health or property.

(2) This part covers generally some of the more common situations, however, the burden rests with the mailer to assure that he has complied with the law and that anything shipped by him has been properly prepared and packaged. The ordinary test of adequate preparation and packaging is whether the contents of a parcel are safely preserved under ordinary hazards of mail handling and transportation.

* * * * *

(b) *Applicability of other laws.* * * * (2) Any special conditions or limitations placed on transportation or movement of certain things shall govern admissibility to the U.S. mail, when imposed under law by the U.S. Department of the Treasury; U.S. Department of Agriculture; U.S. Department of Commerce; U.S. Department of Health, Education, and Welfare; Interstate Commerce Commission; or any other Federal department or agency having legal jurisdiction.

* * * * *

NOTE: The corresponding Postal Manual sections are 125.111, 125.112, and 125.122.

II. In § 15.2 paragraphs (b) and (c) are amended to clarify instructions for wrapping and mailing matches. As so amended, paragraphs (b) and (c) read as follows:

§ 15.2 Adequacy of preparation and packaging.

* * * * *

(b) *Liquids (nonflammable) and powders.* (1) Precautions shall be taken in the case of liquids, pastes, salves, ink powders, pepper, snuff or other pulverized materials against damage to mail and property from leakage and against caustic, irritant, toxic or soiling effect on mail handling personnel.

(2) Containers shall meet any applicable Interstate Commerce Commission or other Federal specifications. Closures must effectively seal the contents against leakage. Friction tops must be fastened with solder, clips or otherwise, so they will not come off under impact.

(3) Glass or other breakable containers of liquids must be packaged to withstand handling en route. The container shall be cushioned inside the carton to absorb shock and impact. Where feasible, absorbent material shall be used, to take up all the liquid in case of breakage.

(4) Poisons for scientific use which are not outwardly or of their force dangerous or injurious to life, health, or property may be shipped between manufacturers, dealers, bona fide research or experimental scientific laboratories, and employees of the Federal, State, or local governments who have official use for such poisons. Any such employee must be designated by the head of his agency to receive or send such poisons. The preparation and packaging of such poisonous articles shall be under the same conditions as apply to other articles covered by this part.

(c) *Combustible and gaseous.* (1) In addition to precautions specified in paragraph (b) of this section, containers of flammable liquids must have sufficient air space to allow for vapor expansion under variations. This guards against bursting from internal pressure.

(2) Restrictions relating to matches in the mail are as follows:

(i) Strike-anywhere matches may not be mailed.

(ii) Safety matches of a strike-only-on-box or book variety may be mailed under the following conditions:

(*a*) Their minimum ignition temperature must not be less than 338° F.

(*b*) They will not ignite when exposed to temperatures up to 194° F. for a period of 2 hours.

(c) They will not ignite when the heads of any two matches are vigorously rubbed together at least five times.

(d) They must be packaged in containers adequately insulated with aluminum foil, asbestos, or other fire retardant material. They may also be packaged in securely closed cartons of bleached manila or kraft type board of not less than 0.022 inch thick, testing at least 100 points (Mullen test) when each carton contains not more than 1,500 matches made up not to exceed 50 books of not more than 30 match sticks in each book, or in small boxes of approximately 36 wooden sticks in each box.

(e) Book matches must be arranged symmetrically so as to completely fill the cartons and be so positioned that the heads of the matches cannot strike or rub against friction surfaces on the books.

(3) Compressed gas containers shall be of metal or nonshattering steel types, as required by the Interstate Commerce Commission or other Federal agencies. In addition to being cushioned to absorb shock, containers with release mechanisms shall be protected against damage or accidental discharge in transit.

* * * * *

NOTE: The corresponding Postal Manual sections are 125.22 and 125.23.

III. In § 53.5 paragraphs (c) and (d) are amended for the purpose of clarification to read as follows:

§ 53.5 Delivery.

* * * * *

(c) *On star routes affording delivery service.* Star route carriers will deliver COD mail if required by the contract. Patron should present the exact amount of money needed to pay the COD charges and the money order fee.

(d) *Type of delivery service.* COD parcels are delivered in accordance with the regulations for delivery of registered mail (see Part 51 of this chapter), except that when delivery has not been restricted, mail addressed to a person at a hotel, apartment house, or the like, may be delivered to any person in a supervisory or clerical capacity to whom the mail is customarily delivered. Signed delivery receipts are obtained by the delivering carrier.

NOTE: The corresponding Postal Manual sections are 163.53 and 163.54.

* * * * *

IV. Section 53.6 is amended for the purpose of clarification to read as follows:

§ 53.6 Registered COD mail.

Sealed domestic mail of any class bearing postage at the first-class rate may be sent as registered COD mail. Such mail is handled the same as other registered mail. The maximum amount of charges collectible on a parcel is $200, but additional indemnity may be obtained over $200 up to the regular registry limit of $10,000 by payment of a higher fee. Registered COD mail is subject to a handling charge applicable to other registered mail, except that the basis of the handling charge is the amount by which the declared actual value of the article exceeds the limit of liability covered by the fee paid. Envelopes used as covers must not be smaller than 4 x 7¾ inches.

NOTE: The corresponding Postal Manual section is 163.6.

V. Section 54.1 is amended to show a simplified formula for determining the pro rata share of postal indemnity liability in co-insurance claims. As so amended, § 54.1 reads as follows:

§ 54.1 Payment conditions.

(a) If, through established error by the Postal Service, a fee less than that required to cover the amount of insurance coverage requested at the time of mailing was charged, the sender may be permitted to pay the deficiency in fee and postal insurance may be paid within the limit fixed for the higher fee.

(b) If commercial insurance is carried on a registered, insured, or COD article, the total amount of insurance to be received will be prorated between the Postal Service and the insurance company using the following formula:

$$\frac{\text{Postal insurance or actual value (whichever is less)}}{\text{Postal insurance or actual value (whichever is less) and Total private insurance}} \times \text{Actual value or cost of repairs} = \text{Postal liability}$$

(c) If the insured or COD article was lost or the entire contents totally damaged, the payment check will include an additional amount for postage (not fee) paid by the sender.

(d) If both sender and addressee claim insurance, they should decide between themselves who should receive payment. If no agreement is reached, payment may be made to the sender, the person with whom the Government's contract of insurance was made.

(e) If the sender is incompetent or deceased, payment will ordinarily be made to the legal representative. If there is no legal representative, payment may be made to such relative or representative of the sender as may be entitled to receive the amount due, in accordance with applicable State laws.

NOTE: The corresponding Postal Manual section is 164.1.

VI. In § 54.2 paragraphs (g) and (h) are amended and new paragraphs (i) through (k) are added to show new rules covering indemnity for gift wrapping, special containers, numismatic coin and philatelic stamps. As so amended and added, paragraphs (g) through (k) read as follows:

§ 54.2 Payable claims.

* * * * *

(g) The extra cost of gift wrapping if the gift wrapped article was enclosed in another container for handling in the insured mail.

(h) The cost of an outer container if specifically designed and constructed for the goods sent as insured mail. This provision does not cover usual shipping containers.

(i) The established market value of numismatic coin, or stamps having philatelic value.

(j) In all claims involving registered and insured mail, and COD mail delivered to the addressee, any Federal, State, or city sales tax paid on articles which were lost or irreparably damaged.

(k) Postage (not fee) paid for transportation of replacement articles or for sending damaged articles for repair. If the Postal Service cannot be used for this purpose, other reasonable transportation charges may be included.

VII. In § 54.4 a new subparagraph (3) is added to paragraph (e) to show that it is the responsibility of the claimant to substantiate the amount claimed. As so added, subparagraph (3) reads as follows:

§ 54.4 How to request payment.

* * * * *

(e) *Information required with claim.* * * *

(3) *Substantiating amount claimed.* The Postal Service will not undertake to obtain estimates of the value of items for which claim is made, estimates of repair costs, or direct that repairs be made. It is the responsibility of the claimant to substantiate the amount claimed.

NOTE: The corresponding Postal Manual section is 164.453.

VIII. Section 54.6 is added to state the conditions under which postal indemnity is payable for official mail. As so added, § 54.6 reads as follows:

§ 54.6 Official mailings.

(a) *Registered mail.* Postal indemnity is not provided for articles sent as registered mail under frank, penalty label, or the "Postage and Fees Paid" indicia. Postal indemnity coverage is provided, within the limit fixed for the fee paid, for official mail on which the registry fee has been paid by stamps affixed, subject to limitations of the Government Losses in Shipment Act administered by the Treasury Department.

(b) *Insured mail.* Postal indemnity is provided, up to the maximum of $200, for the value of an article properly sent as insured mail under penalty label of a government agency, under the "Postage and Fees Paid" indicia, or with stamps affixed to cover the postal charges. Government agencies must comply with postal regulations relating to establishing value of goods lost or damaged in the insured mail. Agencies should refrain from requesting postal indemnity when trivial amounts are involved which would probably be less than the cost of processing and paying a claim.

(c) *Ownership of goods.* Goods involved in a claim need not be owned by the government agency for a claim to

be payable. Either the agency or the owner, as designated by the agency, may be named to receive any indemnity payable.

NOTE: The corresponding Postal Manual section is 164.6.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-8004; Filed, Aug. 7, 1964; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 11—Coast Guard, Department of the Treasury

[CGFR 64-43]

PART 11-1—GENERAL

Subpart 11-1.3—General Policies

NONCOLLUSIVE BIDS AND PROPOSALS

Pursuant to authority vested in me as Commandant, United States Coast Guard by Treasury Department Order 167-17 (20 F.R. 4976), Treasury Department Order 167-50 (28 F.R. 530) and Treasury Department Order 167-57 (29 F.R. 235), Chapter 11 of Title 41, CFR, is amended by adding § 11-1.317 as follows:

§ 11-1.317 Noncollusive bids and proposals.

Pursuant to Treasury Department Order 167-57 (29 F.R. 235), the authority to make determinations required by § 1-1.317(b) of this title is delegated to the Comptroller of the Coast Guard. Requests for determinations will be forwarded by the contracting officer with a certified copy of the contractor's statement and bid together with any other pertinent information.

(14 U.S.C. 633, 10 U.S.C. Ch. 137)

Dated: July 31, 1964.

[SEAL] W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 64-8015; Filed, Aug. 7, 1964; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3425]

[Arizona 033349]

ARIZONA

Modification of Reclamation Withdrawal of October 16, 1931

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The Departmental Order of October 16, 1931, which withdrew lands for reclamation purposes, is hereby modified to the extent necessary to permit the granting of a highway right-of-way made by section 2477, United States Revised Statutes (43 U.S.C. 932) to become effective as to those portions of the following-described land delineated on a map filed in the Bureau of Land Management in Arizona 033349:

GILA AND SALT RIVER MERIDIAN

T. 24 N., R. 22 W.,
Sec. 24, A tract of land starting at the northwest corner of sec. 24, thence south 200 feet on the west boundary line of sec. 24, thence east 200 feet, thence north 200 feet to the north boundary line of sec. 24, thence west 200 feet to the point of beginning.

The area described contains approximately 1 acre.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 31, 1964.

[F.R. Doc. 64-7995; Filed, Aug. 7, 1964; 8:48 a.m.]

[Public Land Order 3427]

[Utah 0120683]

UTAH

Abolishment of Helium Reserves Nos. 1 and 2

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive orders of March 21, 1924, and January 28, 1926, creating Helium Reserve No. 1, and Executive Order No. 6184 of June 26, 1933, creating Helium Reserve No. 2, are hereby revoked. This order affects public lands in the following-described areas in the State of Utah, aggregating 12,374.94 acres and 1,322.75 acres in each reserve, respectively:

HELIUM RESERVE NO. 1

SALT LAKE MERIDIAN

T. 18 S., R. 13 E.,
In secs. 24, 25, 35, and 36.
T. 19 S., R. 13 E.,
In secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, and 36.
T. 18 S., R. 14 E.,
In secs. 19, 30, and 31.
T. 19 S., R. 14 E.,
In secs. 5, 6, 7, 8, 17, 18, 19, 30, and 31.

HELIUM RESERVE NO. 2

T. 18 S., R. 25 E.,
In secs. 33 and 34.
T. 19 S., R. 25 E.,
In secs. 3, 4, 9, and 10.

2. At the time of their establishment, the estimated helium resources in the reserves were 550 million cubic feet and 83 million cubic feet, respectively. Public Land Order No. 2465 of August 17, 1961, modified the reserves to the extent necessary to permit leasing of the lands for oil and gas under the U.S. mineral-leasing laws.

As a result of this action, two dry holes were drilled within the boundaries of Reserve No. 1. An engineering reappraisal in the light of these activities has resulted in a downward revision of the estimated helium resources in Reserve No. 1 to 19 million cubic feet. It is believed from all available information that the extent of the helium resources in the lands justifies no greater protection than is provided by law for helium in public lands generally.

3. This order shall not otherwise become effective to change the status of the lands until 10:00 a.m. on September 9, 1964. At that time and until 10:00 a.m. on March 11, 1965, the State of Utah shall have a preferred right of application to select the lands as provided by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 852). On and after that date and hour the lands shall become subject to application, petition, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference-right applications from the State, received at or prior to 10:00 a.m. on September 9, 1964, shall be considered as simultaneously filed at that time.

4. The lands will be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws, at 10:00 a.m. on March 11, 1965. They have been heretofore open to applications and offers under the mineral leasing laws for oil and gas.

5. The sections 2 and 36 are State school sections, reserved for the support of the common schools of Utah. It is presumed that title to the reserved lands in these sections will pass to the State upon issuance of this order.

Inquiries shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 4, 1964.

[F.R. Doc. 64-7996; Filed, Aug. 7, 1964; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Miscellaneous Amendments

Order. The Commission having under consideration the desirability of making certain editorial changes in Part 2, Subpart G of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), (5)(d)(1) and 303(r) of the Com-

munications Act of 1934, as amended, and § 0.261(a) of the Commission's rules:

It is ordered, This 5th day of August 1964, that effective August 8, 1964, Part 2, Subpart G is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat. 1066, as amended, 1068, as amended, 1082, as amended; 47 U.S.C. 154, 155, 303)

Released: August 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 2.601 is amended to read as follows:

§ 2.601 General.

This subpart is corrected to August 1, 1964. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

2. In § 2.603, the table in paragraph (a) is amended by adding "14 UST 817" to line 1 of the "Citations" column of the entry for "1963 TIAS 5360 US-Dominican Republic Agreement", and paragraphs (b) and (c) are amended to read as follows:

§ 2.603 Treaties and other international agreements relating to radio.

* * * * *

(b) With respect to its relations with several countries, the United States is bound by certain superseded treaties and agreements because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. These include the following:

Date	Citations	Subject
1912	38 Stat. 1672. TS 581.	International Radiotelegraph Convention. Signed at London July 5, 1912. Entered into force July 1, 1913. Superseded by the International Radiotelegraph Convention and General Regulations, Washington, 1927 (TS 767).
1927	45 Stat. 2760. TS 767.	International Radiotelegraph Convention and General Regulations. Signed at Washington Nov. 25, 1927. Entered into force Jan. 1, 1929. Superseded by the International Telecommunication Convention and General Radio Regulations, Madrid, 1932 (TS 867).
1932	49 Stat. 2391. TS 867.	International Telecommunication Convention and General Radio Regulations. Signed at Madrid Dec. 9, 1932. Entered into force for the United States June 12, 1934. The General Radio Regulations were replaced by the General Radio Regulations, Cairo Revision, 1938 (TS 948). The Convention was superseded by the International Telecommunication Convention, Atlantic City, 1947 (TIAS 1901).
1937	54 Stat. 2514. EAS 200.	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 18, 1938. This arrangement was replaced by the Inter-American Agreement concerning Radiocommunications, Santiago, 1940 (EAS 231).
1938	54 Stat. 1417. TS 948.	General Radio Regulations (Cairo Revision, 1938) Annexed to the International Telecommunication Convention, Madrid, 1932. Signed at Cairo Apr. 8, 1938. Entered into force Sept. 1, 1939. Superseded by the Radio Regulations, Atlantic City, 1947 (TIAS 1901).
1940	55 Stat. 1482. EAS 231.	Inter-American Radiocommunications Agreement between the United States, Canada and Other American Republics. Signed at Santiago Jan. 26, 1940. (Second Inter-American Radio Conference.) Entered into force with respect to the United States Feb. 25, 1942. Replaced by the Inter-American Radio Agreement, Washington, 1949 (TIAS 2489).
1947	63 Stat. (2) 1399. TIAS 1901.	International Telecommunication Convention and Radio Regulations. Signed at Atlantic City Oct. 2, 1947. Entered into force Jan. 1, 1949. The Convention was superseded by the International Telecommunication Convention, Buenos Aires, 1952 (TIAS 3266). The Radio Regulations were superseded by the International Radio Regulations, Geneva, 1959 (TIAS 4893).
1949	2 UST (1) 17. TIAS 2175.	Telegraph Regulations (Paris Revision, 1949) Annexed to the International Telecommunication Convention. Signed at Paris Aug. 5, 1949. Entered into force with respect to the United States Sept. 26, 1950. Superseded by the Telegraph Regulations, Geneva Revision, 1958 (TIAS 4390).
1952	6 UST 1213. TIAS 3266.	International Telecommunication Convention. Signed at Buenos Aires Dec. 22, 1952. Entered into force with respect to the United States June 27, 1955. Superseded by the International Telecommunication Convention, Geneva, 1959 (TIAS 4892).
1960		International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. This convention will enter into force May 26, 1965.
1963		Partial Revision of the Radio Regulations (Geneva 1959) with Annexes, Resolutions and Recommendations. Signed at Geneva Nov. 8, 1963. Will enter into force Jan. 1, 1965.

(c) The following agreements have been signed and ratified by the United States and are included because of their importance and the imminence of their effective dates.

[F.R. Doc. 64-8020; Filed, Aug. 7, 1964; 8:50 a.m.]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 91—INDUSTRIAL RADIO SERVICES

Miscellaneous Amendments

Order. The Commission, having under consideration the amendment of Parts 2 and 91 of its rules, to effect the editorial changes described below, and

It appearing, that the Geneva Radio Conference (1959) allocated the band 25070–25110 kc/s on a worldwide basis to the maritime mobile service for ship stations using A–1 or F–1 emission; and

It further appearing, that the United States is now signatory to the Geneva Radio Convention; and

It further appearing, that the Commission in its second memorandum opinion and order (FCC 61–1235), Docket No. 13928, Adopted October 18, 1961, and published in the FEDERAL REGISTER (26 F.R. 10655), November 15, 1961, aligned Subparts A and B of Part 2 of its rules, insofar as was practicable, with the Geneva (1959) Radio Regulations; and

It further appearing, that stations operating in the maritime mobile service must be afforded protection from harmful interference from stations operating in the Industrial Radio Services; and

It further appearing, that stations operating in the Industrial Radio Services in the band 25.07–25.11 Mc/s must accept interference from stations operating in the maritime mobile service; and

It further appearing, that the changes ordered herein make no substantive change, and, being editorial in nature, the prior public notice and effective date provisions of the Administrative Procedure Act are not applicable; and

It further appearing, that the amendments adopted herein are issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and in § 0.261(a) of the Commission's rules:

It is ordered, This 5th day of August 1964, that effective August 8, 1964, Parts 2 and 91 are amended as set forth below.

Released: August 5, 1964.

(Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 2.106, the Table of Frequency Allocations is amended in columns 7 through 11 for the frequency band 25.01–25.33 Mc/s, and new footnote NG50 is added, as follows:

§ 2.106 Table of frequency allocations.

Federal Communications Commission

Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of SERVICES / of stations
7	8	9	10	11
*	* *	* *	*	* *
25.01–25.33	LAND MOBILE. (NG50)	Base. Land Mobile.	25.02–25.32 (NG32)	INDUSTRIAL.

NG50 In the band 25.07–25.11 Mc/s, stations in the Industrial Radio Services shall not cause harmful interference to, and must accept interference from, stations in the Maritime Mobile Service operating in accordance with the International table of frequency allocations.

2. In § 91.304, the Petroleum Radio Service Frequency Table is amended by inserting limitation number 16 in column 3 opposite the frequencies 25.08 and 25.10 Mc/s, and paragraph (b) is amended by the addition of new subparagraph (16) as follows:

§ 91.304 Frequencies available.

(a) * * *

PETROLEUM RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
* * *	* * *	* * *
25.08	do	16
25.10	do	16
* * *	* * *	* * *

(b) * * *

(16) Stations authorized to operate on this frequency shall not cause harmful interference to, and must accept interference from, stations in the maritime mobile service operating in accordance with the International table of frequency allocations.

[F.R. Doc. 64-8021; Filed, Aug. 7, 1964; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Chincoteague National Wildlife Refuge, Virginia

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Chincoteague National Wildlife Refuge, Va., is permitted only on the area designated by signs as open to hunting. This open area, comprising 8,492 acres or 90 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer—any sex.

(b) Open season: 6 days; October 5 through October 10, 1964; from one-half hour before sunrise to sunset.

(c) Daily bag limits: 1; season bag limits—2.

(d) Methods of hunting:

(1) Weapons: 20 gauge shotgun or larger loaded with slugs or buckshot, No. 1 or larger; or bows with minimum recognized pull of 40 lbs. and broadhead arrows, ⅞ inch or wider.

(2) Dogs are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Camping and fires prohibited.

(3) Carrying loaded firearms in, and shooting from, vehicles is prohibited.

(4) Hunters must be off hunting areas and refuge roads by 1 hour after sunset.

(5) Hunters must wear red, yellow, or orange caps, hats, coats, or vests on hunting areas at all times.

(6) Shooting within 150 yards of public roads is prohibited.

(7) Successful hunters must have deer checked out and tagged at designated checkout station before leaving the refuge.

(8) No more than 75 hunters will be permitted on the refuge at any one time.

(9) All hunters under 18 years old must be accompanied by an adult.

(10) Hunters must enter the refuge by the bridge operated by the Chincoteague-Assateague Bridge and Beach Authority.

(11) A Federal permit is required to enter the public hunting area. Applications for permits must be made by mail or in person to the Refuge Manager, Chincoteague National Wildlife Refuge, Chincoteague, Va., during the period August 15 through September 25. Permits issued during this period will be limited to one per applicant. Applications by mail postmarked before August 15 or after September 25 will not be honored. Hunt permits still available after September 25 will be issued on a first come, first served basis to hunters applying in person at the refuge.

(12) The provisions of this special regulation are effective to December 31, 1964.

WALTER A. GRESH,
Regional Director,
Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 64-7998; Filed, Aug. 7, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1103, 1107]

MILK IN CENTRAL MISSISSIPPI AND MISSISSIPPI GULF COAST MARKETING AREAS

Notice of Intention To Suspend or Terminate the Orders

Notice is hereby given that, pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension or termination of the orders regulating the handling of milk in the Central Mississippi and Mississippi Gulf Coast marketing areas is being considered.

Public hearings on proposed amendments to the Central Mississippi and Mississippi Gulf Coast milk orders were held on October 26, 1961, July 23–27, 1962, and January 8–11, 1963, pursuant to notices thereof issued October 17, 1961 (26 F.R. 9912), June 19, 1962 (27 F.R. 5960), July 5, 1962 (27 F.R. 6433) and December 20, 1962 (27 F.R. 12773).

On May 15, 1964 (29 F.R. 6540), the Under Secretary issued a final decision on the issues considered at the hearings held on October 26, 1961, and July 23–27, 1962. On June 19, 1964 (29 F.R. 9110), the Assistant Secretary issued a final decision on the issues considered at the January 8–11 hearing.

The decisions of May 15, 1964, and June 19, 1964, included a finding that the provisions of the proposed Southern Mississippi order, which would combine and amend the Central Mississippi and Mississippi Gulf Coast orders, were necessary to effectuate the declared policy of the Act.

On July 10, 1964 (29 F.R. 9569) the Under Secretary issued an order directing that a referendum be conducted among producers to determine whether they approved the issuance of the proposed Southern Mississippi milk order as published in the decision issued May 15, 1964, and as proposed to be further amended by the decision issued on June 19, 1964.

It is hereby found and determined that less than two-thirds of the producers who participated in the said referendum favor the issuance of the order. Therefore, notice is hereby given of intention to suspend or terminate Order No. 103, as now in effect, regulating the handling of milk in the Central Mississippi marketing area, ond Order No. 107, as now in effect, regulating the handling of milk in the Mississippi Gulf Coast marketing area.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension or termination should file the same with the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250 not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in duplicate.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on August 4, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64–8000; Filed, Aug. 7, 1964; 8:48 a.m.]

Agricultural Research Service

[9 CFR Part 92]

IMPORTATION OF ANIMAL SEMEN

Notice of Extension of Time To Submit Written Data, Views or Arguments

On May 29, 1964, there was published in the FEDERAL REGISTER (29 F.R. 7122) a notice of proposed amendments of Part 92, Subchapter D, Chapter I, Title 9, Code of Federal Regulations, as amended, with respect to proposed procedures under which the semen of ruminants or swine from certain countries where rinderpest or foot-and-mouth disease exists may be imported into the United States. Said notice provided that any person could submit written data, views, or arguments concerning the proposed amendments within 60 days after publication thereof in the FEDERAL REGISTER.

Because of the intense interest which has been manifested in the proposed amendments, it appears desirable to afford additional time for the submission of comments with respect thereto. Accordingly, any person may submit written data, views, and arguments regarding the proposed amendments with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Federal Center Building, Hyattsville, Maryland, 20781, on or before August 31, 1964.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 5th day of August 1964.

B. T. SHAW,
Administrator.
Agricultural Research Service.

[F.R. Doc. 64–8003; Filed, Aug. 7, 1964; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 21, 74, 91]

[Docket No. 15586; FCC 64–720]

MICROWAVE RADIO STATIONS

Licensing of Stations Used To Relay Television Signals to Community Antenna Television Systems

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission is proposing rule making in three areas relative to the licensing of microwave stations used to relay television broadcast signals to community antenna television (CATV) systems.[1] Such stations are presently licensed in two services. Common carrier microwave stations serving CATV systems have been licensed in the Domestic Public Point-to-Point Microwave Radio Service since 1954 (licensing under Part 21 began in 1957). In addition, since 1962 authorizations have been granted to CATV's for private microwave relay stations in the Business Radio Service under Part 91 of the rules.[2]

3. The first of the three areas in which rule making is proposed, has to do with a special problem in the processing of common carrier applications. The Commission has become increasingly concerned with the mounting backlog of applications in the Domestic Public Point-to-Point Microwave Radio Service. Problems have arisen in connection with the applications of miscellaneous common carriers (MCCs)[3] serving CATV systems in determining whether sufficient public need existed for the service to warrant the use of common carrier frequencies. This has caused lengthy de-

[1] Generally speaking, a CATV system has been designed primarily as a wire or cable facility receiving and amplifying the signals broadcast by one or more television stations and redistributing such signals to subscribing members of the public. The role of microwave facilities in the operation of a CATV system has usually consisted of the re-transmission of television broadcast signals, which are picked up off-the-air at a point some distance from the television broadcasting station antenna, and the relay of those signals through one or more radio repeaters to a terminal point in the community served by the CATV, from which terminal point the signals are distributed to individual homes of subscribers by means of cable.

[2] The authorization of private microwave systems in the Business Radio Service began in 1960 as a result of the Commission's decision in Docket No. 11866, Allocation of Frequencies in the Bands above 890 Mc/s, 27 F.C.C. 359; 29 F.C.C. 825.

[3] MCCs are communications common carriers not engaged in rendering a landline telephone or telegraph service.

lays in the processing of common carrier microwave applications, affecting not only the applications of MCCs serving CATVs but also the applications of the landline telephone and telegraph companies who use microwave frequencies in this service to implement their many and varied public offerings. It is necessary that this situation be corrected because any inordinate delay in the processing of applications for vitally needed public communications facilities is detrimental to the public interest.

4. Second, the Commission is also concerned with the proper allocation of frequencies for the use of common carrier and non-common carrier stations in relaying television signals to CATV systems, from the standpoint of more efficient utilization of the radio frequency spectrum. Although the use of microwave frequencies to relay television signals to CATV systems has been generally determined to be in the public interest,[4] it has become necessary to reappraise the question of how this usage can best be accommodated in the spectrum in view of the anticipated growth of this and other demands for spectrum space and the broad band frequency requirements of video relay. It is important to plan now, before the pertinent frequency bands become congested, how to provide for the future spectrum requirements of competing users on an orderly and sound basis. Third, and for much the same reasons, it appears appropriate to reexamine the technical standards governing operation by such CATV microwave relay stations and to explore possible measures which would not only ensure economical spectrum usage by each licensee and conservation of scarce spectrum space, but at the same time make available full facilities to meet the varied needs of the CATV industry.

5. The rule making proposals in each of these areas are discussed in separate sections below. Section I deals with the special problem relating to the processing of MCC applications and the showing of public need. Section II treats the proposed frequency allocations for common carriers serving CATVs. Section III concerns the frequency allocation for private CATV microwave systems and our proposal to establish a new Community Antenna Relay (CAR) Service under the administration of the Broadcast Bureau. Section IV has to do with the proposed technical standards for operation in the CAR service and, in addition, invites comments on possible measures for effecting more economical spectrum usage by both CAR and common carrier licensees, consistent with the nature of the service to be provided.

[4] While the Commission is also concerned as to whether grants for microwave stations serving CATV systems would have an adverse impact on service to the public by local television broadcast stations, this problem is under consideration in Docket Nos. 14895 and 15233, and therefore will not be considered in this proceeding. See FCC 63–1128, 28 F.R. 13789. Nor is this proceeding in any way intended to be concerned with, or effect, the question of whether there is a property right in the broadcast signals carried.

I. Proposed Rules With Respect to Common Carrier Applications and Showing of Public Need

6. The major problems which have arisen in connection with the microwave applications of miscellaneous common carriers serving CATVs in the Domestic Public Point-to-Point Radio Service, involve such questions as whether the applicant is a bona fide common carrier and whether there is sufficient public need for the proposed service to warrant the use of common carrier frequencies. These problems occur when microwave facilities are used or are intended to be used to serve customers which are related to or affiliated with the applicant. In those instances it is apparent that the microwave service rendered to such customers may result primarily or solely in the enhancement of either a private business in which the applicant or its principals have a direct or indirect interest, or a private business which has an interest, directly or indirectly, in the applicant. Since common carrier frequencies are reserved for use by common carriers in rendering their services to the general public, any use of such frequencies which inures primarily to the benefit of a private business interest is inconsistent with the Commission's system of frequency allocations.[5]

7. When the Commission first began authorizing the use of microwave facilities by miscellaneous common carriers, it accepted the applicant's representation that he would hold himself out to serve the general public as qualifying the applicant as a common carrier even though there was no demonstrated immediate public need for the microwave service. At the time this approach was first followed there were no microwave frequencies available in the Safety and Special Services which could be used by private businesses to relay television broadcast signals.[6] Also, when MCCs first applied for common carrier frequencies to relay television signals to CATVs, there was no real evidence available as to the amount of demand that might be generated for such service when it was made available to the public. The Commission, rather than arbitrarily preventing CATVs from improving their service offerings through the use of microwave facilities, authorized common carrier frequencies to be used to relay television broadcast signals even though the only customers to be served by the microwave system were related customers, and the applicant was unable to show an immediate public need for his proposed service by non-affiliated or unrelated customers. In view of this background the Commission, in 1957, in letters sent to licensees, began calling attention to the need for common carrier licensees to serve the public and the Commission's intention to review the service rendered by the licensee and determine whether there was a continuing need for the common carrier operation.[7] Furthermore, the Commission, in an order released July 24, 1959 (FCC 59–762), amended Part 21 of its rules by adding a new § 21.709 in order to elicit information, in connection with license renewal applications for microwave facilities in the Domestic Public Point-to-Point Microwave Radio Service, which would permit the Commission to determine the extent of use of the microwave facilities by "persons other than those in which the licensee has some direct or indirect interest or relation."

8. On February 1, 1961, when outstanding microwave licenses came up for renewal, it became apparent that during the preceding period of operation many of the MCC licensees had not served any "public" customers but had served only related or affiliated customers, and in October 1961 the Commission designated the renewal applications of 11 MCCs and two applications for new facilities for hearing on the issue of public need. In other instances where the renewal applicants had not been operating for a significant period of time during the preceding license period, the Commission granted short term renewals to eight licensees for a period of two years even though there was no demonstrated public need. Five of the renewal hearings and one of the hearings on the application for new facilities were terminated after the applicants came forward with evidence of service to public customers. Eight renewal proceedings (including two involving short term renewal licensees) are presently before the Commission in various stages.[8] In addition, there are six short term licensees whose licenses expired on February 1, 1963, who have renewal applications on file which are being processed by the Commission's staff and which may have to be set for hearing on the public need issue.

9. Even though microwave frequencies have been made available in the Business Radio Service, many applications have been filed for new common carrier microwave stations where the service appears to be intended primarily or solely for the benefit of affiliated or related customers. Some of these applications already have been subjected to the hearing procedure,[9] and it appears that others may have to be set for hearing.

10. It appears to us that the determination of public need issues entirely

[5] See Columbia Basin Microwave Company, Docket No. 14318, FCC 63–367, 25 Pike & Fischer, R.R. 367 (1963).

[6] See footnote 2.

[7] See letter of December 30, 1957 to E. Stratford Smith in station file for KEG51 of Ceracche & Company, Inc.

[8] One of the proceedings (Teleprompter Transmission of Kansas, Inc., Docket No. 15069, et al.) concerning the renewal application of a short term licensee involved only issues of economic impact on a television station, and the Presiding Examiner in an Initial Decision released on March 13, 1964 recommended an unconditional grant of the renewal application. (FCC 64 D–21)

[9] W. A. Henley d/b as Kimble Communications, Docket No. 14730; Mississippi Valley Microwave Company, Inc., Docket No. 14852; Minnesota Microwave, Inc., Docket Nos. 15167, 15168.

on a case-by-case adjudicatory basis is an inefficient way to handle the problem and that it would be preferable to have a substantive rule governing the matter in part. Accordingly, and in order to eliminate any confusion that may exist concerning the Commission's policy on the kind of showing an applicant has to make before his application for common carrier microwave frequencies to relay television signals will be considered, the Commission proposes to amend § 21.700 *Eligibility* and § 21.709 *Renewal of station licenses* to provide that applications must include a showing that at least 50 percent of the customers subscribing for applicant's service are unrelated and unaffiliated with the applicant, and that the proposed usage by such customers, in terms of hours of use and channels delivered, constitutes at least 50 percent of the usage of applicant's microwave system.[10] A failure to include such a showing will result in the rejection and return of the application. On the other hand, a showing which meets the proposed criteria will not automatically entitle an applicant to a grant. Whether a public need for the facilities exists will depend on an evaluation of all of the pertinent facts. This proposal would appear to be a reasonable particularization of the public interest in this area, keeping in mind the purpose for which common carrier frequencies are allocated. If adopted, the proposal would inform applicants more specifically of the Commission's licensing policy, would eliminate unnecessary hearings, and, it is hoped, would forestall the filing of applications for common carrier frequencies where the applicant might more appropriately consider applying for a license in the Business Radio Service or such other non-common carrier service as may be in existence at the conclusion of this proceeding.[11]

11. At this time it also appears appropriate to amend § 21.709(a) to make it applicable, not only to MCCs, but also to the landline telephone and telegraph carriers, and to clarify the language in this section which sets forth the information required to be filed by renewal applicants in order for the renewal application to receive consideration by the Commission. Section 21.709(a) is also being amended to make it consistent with the proposed change in § 21.700, i.e., that a failure to make the required showing will result in rejection and return of the application.[12]

12. It would seem, in view of the background outlined above, that there may be some renewal applicants as well as present common carrier licensees who obtained common carrier licenses only because there were no microwave frequencies available in other services and who would prefer to be in another service if they did not have to lose their present investment in microwave facilities. Therefore, in order to reduce the necessity for lengthy hearings on public need issues in connection with renewal applications eligible for consideration and in order to provide an orderly transition period for those existing licensees who may become ineligible to seek renewal on common carrier frequencies under the proposed rules, if adopted, the Commission proposes to add a new paragraph (c) to § 21.709.[13] This paragraph (c) would provide that renewal applicants with presently pending applications, as well as existing licensees who serve related or affiliated customers, who qualify and elect to become licensees in the Business Radio or such other noncarrier service that the Commission may establish (see section III, infra) would be granted a waiver of the Commission's rules so that they could continue to use their presently authorized common carrier frequencies until February 1, 1971.[14] Such election would have to be made within a 60 day period after adoption of the proposed rules by renewal applicants with presently pending applications, and at least 60 days prior to February 1, 1966 by existing licensees who would seek renewal at that time. Common carrier licensees electing to become licensees in a non-common carrier service within the applicable prescribed time period would be issued approximately a five year license in such service which would not be renewable on the common carrier frequencies. Subsequent renewal applications would be accepted only on frequencies available in such non-common carrier radio service. Also, any additions or replacements of microwave facilities, or extensions of service to new points of communications would be authorized only on frequencies available for non-common carrier operation. If the proposed rules are adopted, renewal applicants thus may elect either to become non-common carrier licensees or to continue prosecuting their renewal applications (provided, of course, that the applications are not barred by the rules finally adopted).

II. Proposed Frequency Allocations for Common Carriers Serving CATV Systems

13. The Domestic Public Point-to-Point Microwave Radio Service frequencies, which comprise the bands 3700–4200 Mc/s, 5925–6425 Mc/s, and 10700–11700 Mc/s, are used primarily by landline telephone and telegraph companies to implement their many and varied public offerings. Common carrier microwave stations relaying television signals to CATV systems are now licensed primarily in the 5925–6425 Mc/s band. There are approximately 108 MCCs in this band, serving CATV systems in some 314 communities, and a substantial number of new applications are in pending status. Although common carrier microwave stations serving CATVs are also eligible to use frequencies in the 3700–4200 Mc/s and 10700–11700 Mc/s bands, there is now only one such system in the 3700–4200 Mc/s band and two in the 10700–11700 Mc/s band.

14. The Commission is concerned with the increasing demand for, and use of, frequencies in the 5925–6425 Mc/s band by MCCs to relay television signals for CATVs, and the concomitant increase in the interference potential with the transcontinental telephone and telegraph microwave routes or associated facilities of the landline carriers in this band. While on the surface it may appear that the 5925–6425 Mc/s band is not congested in the relatively unpopulated areas where many of the MCCs serving CATVs are located, the fact is that transcontinental microwave systems of the landline companies have had to be redesigned and rerouted because of MCC operations along particular routes and this has been accompanied by increased system costs.

14a. The long haul transcontinental microwave systems of the landline companies utilize a "frogging" pattern of operation, i.e. two different sets of channels are used on alternate hops. Thus, if channel A is used to transmit a signal over the first hop, channel B is used to transmit the same signal on the second hop, channel A on the third hop, channel B on the fourth, etc. As more channels are added, the same pattern is repeated (channel C, channel D, channel C, channel D, etc.) and for efficient spectrum utilization, the pattern must be uniform on all channels used, i.e., the frequency separation has to be consistent and the shift must be in the same direction. As the transcontinental systems proceed across the country and run into areas where channels in or near their established pattern are being used by CATV relay stations, the pattern is disrupted and the landline carriers must deviate from it or depart substantially from the geographical route most desirable for the proposed system. Such solutions tend to result in increased system costs which are reflected in ultimate increased costs of service to the public.

15. Moreover, problems between landline and CATV common carrier operations in urban areas are expected to become more acute in the near future in the 6000 Mc/s band. As reflected in the steepness of the curve in the attached graph of the trend of growth in all common carrier microwave bands in the years 1960–1964, the rate of growth is sharply increasing (Appendix A, infra). The situation is tighter than the graph suggests since it shows only the number of stations licensed and does not reflect modifications in station facilities or additional frequencies authorized. The 3700–4200 Mc/s band is nearly saturated in many parts of the country and there are a number of urban areas where it

[10] See Appendix B for text of proposed § 21.700.

[11] See section III herein.

[12] See Appendix B for text of proposed § 21.709(a). It is further proposed that § 21.709(b) be deleted.

[13] See Appendix B for text of proposed § 21.709(c).

[14] Neither the proposal in this rule-making proceeding nor the final adoption herein of a five year or any other period for the continued use of common carrier frequencies, should be construed as a prejudgment of the amortization issues included in pending renewal proceedings, or a determination that it is appropriate to provide for an amortization period. The appropriateness of providing for an amortization period as well as the length thereof in any particular case will depend on the facts developed on the record in the proceeding in which the issue has been raised. Renewal applicants may, if they wish, request postponement of such proceedings pending the instant rule making, except where issues other than public need are involved.

is extremely difficult to squeeze in another channel in this band, particularly in the heavily congested New York, Chicago, and Los Angeles areas.[15] As a consequence, increasing demands will be placed on the 5925–6425 Mc/s band to meet the expanding needs of the landline telephone and telegraph companies. While MCCs serving CATVs originally arose in sparsely settled areas, their operations are no longer confined to such areas. For example, common carrier microwave relay systems, serving CATVs in Illinois, Indiana and Ohio, now operate out of Chicago, which is one of the most critical urban areas of congestion for landline microwave operations in the 4000 Mc/s band.

16. Although it has not yet been found feasible to use the 10700–11700 Mc/s band for transcontinental microwave routes, the usage of this band for shorter routes has increased sharply in recent years as equipment for such operation was developed and became readily obtainable. In January 1959 there were approximately 207 frequency assignments in this band; as of March 1964 there were approximately 2,122 assignments.

17. In these circumstances, we believe that those common carrier microwave systems serving CATVs which could operate satisfactorily in the 10700–11700 Mc/s band should not be retained in the 3700–4200 and 5925–6425 Mc/s bands along with the facilities of the landline telephone and telegraph carriers upon which the general public is dependent for service. A carrier operating over a relatively shorter route can provide a CATV fully satisfactory service in the 11000 Mc/s band, but would presently encounter difficulties if its operation extended over a long route. From the standpoint of orderly allocation planning, it therefore appears preferable to provide for the growth of shorter route systems serving CATVs on frequencies above 10000 Mc/s and to preserve frequencies lower in the spectrum for those systems which cannot now operate satisfactorily above 10000 Mc/s. Such an allocation would minimize the problems of conflict with the landline transcontinental routes and at the same time enable carriers serving CATVs to have access to such facilities as are necessary for the nature of the service to be provided.

18. Accordingly, the Commission is proposing to amend Part 21 of the Rules to provide that common carrier stations to be used to relay television signals to CATVs will be authorized only in the 10700–11700 Mc/s band where the total path lengths of the longest route in the system (not including side spurs along the main route)[16] are 400 or less air miles, that systems with total path lengths of 600 or more air miles may be authorized in either the 5925–6425 Mc/s or the 10700–11700 Mc/s band as the applicant chooses, and that applicants proposing a system with total path lengths between 400 and 600 air miles must show why the 10700–11700 Mc/s band cannot be used. Where systems of different licensees interconnect, the frequency band in which operations will be conducted will be determined on the basis of the systems of the individual licensees. The proposed rules would be effective upon adoption for new applications and applications for replacement or modification of existing stations where the replacement of microwave equipment is required, and would apply to all existing stations on and after February 1, 1971.[17] We believe that seven years will provide a fair and orderly transition period.

III. Proposed Non-Common Carrier Frequency Reallocation for CATV Use

19. If Part 21 is amended as proposed in sections I and II above, many CATV microwave applicants may become ineligible for common carrier authorizations and an increased demand for the licensing of such systems in the Business Radio Service would probably result. In any event, we believe it appropriate, for the further reasons stated below, to reexamine now the questions of what portion of the spectrum should be used to accommodate non-common carrier CATV microwave relay systems, and how much spectrum space should be allocated to this use. In considering these matters, we must necessarily balance the spectrum needs of CATV microwave systems and the growing requirements of other services and users in order to achieve the best accommodation of competing demands and an efficient utilization of scarce spectrum space.

20. The 12200–12700 Mc/s band, in which private CATV microwave relay systems are now authorized,[18] is allocated for use by international control stations and operational fixed stations in the Safety and Special Radio Services (Public Safety, Land Transportation, Industrial, Marine (land) and Aviation (ground)) for point-to-point private communications systems. In its 1960 decision in Docket No. 11866, the Commission determined that all operational fixed stations of licensees in the Business Radio Service and all intracity and local operations of other Safety and Special radio licensees, except those of public safety and educational organizations and except for control and repeaters, are to be authorized only on frequencies above 10,000 Mc/s. See Allocation of Frequencies in the Bands Above 890 Mc/s, 27 FCC 359; 29 FCC 825.

21. The Business Radio Service contains the largest group of potential microwave users in the 12200–12700 Mc/s band. There are now over 62,000 licenses outstanding in the Business Radio Service (mainly for base and mobile operations) and these licenses are all eligible to seek authorizations for fixed operations in the 12200–12700 Mc/s band. Banks, department stores, insurance companies, supermarkets and other chain store operators are among the business activities, with heavy communications needs, who have indicated in Docket No. 11866 a potential need for private microwave communications. Educational institutions eligible in the Business Radio Service use frequencies in this band (and in some cases in the 6575–6875 Mc/s band) for closed circuit educational television and relay systems. Other typical potential users of the 12200–12700 Mc/s band include railroads (who are heavy microwave users) for terminal area operations, pipelines for terminal and short-hop links of their intercontinental microwave systems, and power and other utility companies for short-hop and intracity systems.

22. Thus, the 12200–12700 Mc/s band is the only band now available to accommodate all fixed operations by the broad spectrum of persons eligible in the Business Radio Service and, except as noted above, by all intracity and local operations of most private users. Although microwave has only been available for private communications since 1960 (with some exceptions), there are already over 200 licenses outstanding in this band, and we expect that there will be an increased demand by Business Radio and by other users for private microwave communications in the future. In addition, in the lower operational fixed microwave bands on up to and including the 6575–6875 Mc/s band (which are used by public safety organizations, etc.), there are now pockets of congestion in various geographic areas and additional assignments in these areas will tend to be accommodated in the 12200–12700 Mc/s band. Accordingly, while CATV systems are presently one of numerous businesses eligible in the Business Radio Service to use frequencies in the 12200–12700 Mc/s band, we do not think that non-common carrier CATV microwave relay systems should be accommodated within this band in view of the anticipated increase in the number of such systems, their extensive frequency usage, and the potential frequency requirements of other users.

23. The 12700–13200 Mc/s band, which is adjacent to the 12200–12700 Mc/s band, has space available and appears to be an appropriate location for CATV microwave relay systems. This band is allo-

[15] Microwave routes presently come into the New York City hub from all feasible directions, including over Long Island. Channels in the 3700–4200 Mc/s band were initially assigned as close as possible, but additional channels have now been interleaved interstitially for the TD–2 system. An improved system, TD–3, is on the drawing boards with a pilot project planned for 1965, but it will require a shakedown period for changes and quite a few years before any substantial improvement results. Moreover, TD–3 would result in an improved radio spectrum economy for message traffic only, not video.

[16] The total path lengths constitute the maximum distance from the beginning to the end of the longest route of the system and do not include branch hops to CATVs in communities away from the main route or the cumulative mileage of a number of such side hops at different points along the main route.

[17] We would treat areas with exceptionally high rainfall density, such as the Gulf coast area, on a case-by-case basis. Moreover, an amendment of § 21.705 (Permissible communications) is also proposed at this time in order to include a reference therein to § 21.701 because of the limitations set forth in both the existing and proposed paragraphs of § 21.701.

[18] Commission records indicate that there are now approximately 22 CATV microwave licensees in the Business Radio Service.

cated to television auxiliary services, including television pickup, intercity relay and studio-transmitter link (STL) stations. Realistically, and from the standpoint of the viewing public, CATV systems are part of the nation's television service and have an interrelationship with television broadcast service. CATV systems in many instances bring needed television service to areas lacking service by local television stations or a sufficient choice of such services.[19] Although CATV relay stations are not television auxiliaries as contemplated by the original allocation, their relationship to the overall television broadcasting system appears to justify partial sharing of the television auxiliary band. Moreover, since the licensing of CATV relay stations must be coordinated with our responsibilities in the television broadcasting field, the two services should be administered by the same bureau within the Commission, namely the Broadcast Bureau (see footnote 19).

24. In light of the foregoing considerations, we believe that non-common carrier CATV relay stations should be accommodated within the 12700–13200 Mc/s television auxiliary band. However, we are proposing to give serious consideration to the possibility of limiting such use to one-half of the band or 250 Mc/s. Our reasons for this proposal are twofold. First, as set forth more fully in section IV below, it appears technically feasible for microwave stations to provide satisfactory service to CATVs with carrier spacings of 12.5 Mc/s rather than the 25 Mc/s now commonly used. Such operation would enable licensees to deliver the same number of video channels, in half the allocated spectrum space, as they could with wider spacings in a 500 Mc/s allocation. In the interest of conservation of spectrum space for the future needs of CATV and others users, we think that licensees appropriately should be required to make reasonably efficient use of the spectrum space allocated to them.

25. In addition, the Commission is concerned as to whether the entire 12700–13200 Mc/s band might be preempted by CATV licensees at particular points, leaving no frequencies available in this band for television auxiliary use or making such use by other licensees much more difficult from an engineering standpoint. Other television auxiliary bands are already congested and this is the only remaining band for the anticipated growth of television auxiliary services. While much of the future growth of TV Pickup and TV STL services may occur in populous areas where, as a general rule, there is adequate television broadcast service and experience has shown little need for CATV systems, we expect an increase demand for Intercity Relay service in smaller communities as a result of the all-channel receiver legislation (Public Law No. 529, approved July 10, 1962, 76 Stat. 150) and the anticipated expansion of UHF television. Unlike existing stations in larger communities, where common carrier facilities are available for obtaining network programming, many of the new UHF stations will be in smaller communities away from the common carrier lines. In many cases, it may be necessary for such stations to operate their own intercity relay systems in order to obtain network programming. Being concerned with fostering the growth of UHF television (see, e.g., Docket No. 14229, In the Matter of Fostering Expanded Use of UHF Television Channels, 21 Pike & Fischer, R.R. 1711), we believe it in the public interest to avoid any allocation action which might prejudice the development of UHF or leave insufficient frequencies available to meet the future requirements of television auxiliary services.

26. Accordingly, the proposed rules set forth in the attached Appendix B provide for the licensing of non-common carrier Community Antenna Relay Stations (CARS) only in 12700–12950 Mc/s portion of the 12700–13200 Mc/s band. Twenty assignable frequencies spaced at 12.5 Mc/s intervals would be derived from the 250 Mc/s proposed to be made available for CAR use. CAR, STL and Intercity Relay stations would have coequal primary status and Television Pickup stations would have secondary status.[20] The licensing of CAR stations would be administered by the Broadcast Bureau.

27. Comments are invited on the adequacy of the proposed allocation of 250 Mc/s to CAR stations in light of the proposed 12.5 Mc/s spacings and technical standards discussed in Section IV below, the proposed allocations for common carrier use in serving CATVs, and the CATV industry's estimated growth and future needs for microwave facilities. Should it prove desirable to allocate 500 Mc/s for CAR use, and to permit spacings of 25 Mc/s, we nevertheless believe that some limitation must be placed on the amount of spectrum space each CAR licensee could use in serving CATV systems in any particular area. In the event of a 500 Mc/s allocation, we would require any CAR licensee seeking to use more than 250 Mc/s at any given point to make a special showing of need to the Commission and, in evaluating any such showing, we would consider the extent to which there might be duplication of programming on some channels (see para. 30, infra), particularly if the application involved areas of likely frequency congestion.[21]

28. In order to conserve spectrum space, we are proposing that operators of community antenna systems would be eligible for CAR authorizations in the 12700–12950 Mc/s band to relay television signals to their own CATV system or systems, and would be permited, but not required, to serve other CATV systems and to interconnect their facilities with the facilities of CAR or other licensees. However, CAR licensees would not be permitted to hold themselves out to serve others or solicit customers for microwave service, or undertake any other activities associated with a common carrier operation. In licensing CAR applicants under the public interest standard, we would consider the terms and conditions under which service to other CATV systems was made available. We wish to emphasize that, under the foregoing proposal, CAR licensees would not be subject to common carrier regulation under Title II of the Communications Act; if they wished to engage in common carrier activities, they would have to qualify and obtain a license in the common carrier service.[22] We believe that the provision for cooperative or contractual service may serve a useful purpose, in view of the proposed common carrier eligibility requirements (Section I above), and may reduce the number of CAR authorizations needed to meet the requirements of the CATV systems. While the proposal constitutes a departure from present practice, it seems worth exploring and comments are invited.

29. The proposed rules, if adopted, would be effective immediately for new applications and for modifications requiring replacement of existing equipment. However, existing CATV microwave relay stations now licensed in the Business Radio Service would be permitted to remain on their present frequencies until February 1, 1971 and would not be subject to the new rules until that time.[22a] Renewal applications for licenses effective after February 1, 1971 would be accepted only for frequencies

[19] CATV systems may also have an impact on the service of local television broadcast stations. Carter Mountain Transmission Corp. v. F.C.C., 321 F. 2d 359 (C.A.D.C.), cert. den. —— U.S. —— (December 12, 1963); Docket Nos. 14895 and 15233, 27 F.R. 12586, 28 F.R. 13789. See, also, Clarksburg Publishing Co. v. Federal Communications Commission, 225 F. 2d 511 (C.A.D.C.).

[20] We are proposing to place television pickup stations on a secondary basis in the 12700–12950 Mc/s portion of the 12700–13200 Mc/s band because they are mobile and thus have a greater potential for creating interference to other operations. However, in the remainder of the 12700–13200 Mc/s band, i.e., 12950–13200 Mc/s, Television Pickup and STL would continue to have primary status with respect to Intercity Relay as under the present rules.

[21] Even were we to decide against the proposed frequency reallocation for private CATV relay stations after consideration of the comments filed in this proceeding, we nevertheless believe that some limitation on the total amount of spectrum space to be used by each CATV licensee is necessary in order to preserve space for the future needs of other users in the operational fixed and international control band. We are therefore proposing as an alternative, so as to be in a position to take whatever action may be appropriate at the conclusion of this proceeding, that each CATV licensee in the Business Radio Service be limited to the use of 250 Mc/s in relaying television signals to any given community.

[22] Here we stress that the provision for contractual service should not be construed as permitting a person to operate as a common carrier in the CAR service who could not qualify in the common carrier Domestic Point-to-Point Microwave Radio Service because of an inadequate showing of public need.

[22a] Existing licensees would be permitted to seek modification of their existing stations in the Business Radio Service, but such modifications would be granted only until February 1, 1971.

available in the CAR band. We do not believe that the change in frequencies will cause undue hardship to existing licensees, since the frequencies in the proposed CAR service band are only slightly higher than the 12200–12700 Mc/s band and much of the same equipment can be used in the CAR band. While such existing licensees as may now be using equipment which cannot maintain the frequency stability necessary for 12:5 Mc/s bandwidth operation would undergo the cost of conversion, we believe that such cost would be comparatively small and that the period until 1971, coupled with the present license term, constitutes a sufficient amortization period in view of the public considerations involved.

29a. During the pendency of this proceeding, applications for new CATV microwave stations in the Business Radio Service will be granted upon condition that renewal applications for the license period, or portion thereof, beginning on February 1, 1971, would be subject to such rules as may be adopted in this proceeding. We direct attention to this condition not only because orderly spectrum planning makes it important to implement fully any new rules by 1971, but also in order that new applicants may, if they choose, select equipment initially which is capable of being readily converted from 25 Mc/s to 12.5 Mc/s bandwidth operation.[22b]

IV. Technical Standards

A. *CAR licensees.* 30. We are proposing to explore various other measures designed to effect economy in spectrum usage by each CAR licensee. A number of CATV systems now provide nine or more channels from which their customers can choose. An arrangement such as this often leads to duplication of programming on some channels. Moreover, at the present time bandwidths of 20 and 25 Mc/s per channel are common and multiple hop systems are so designed that two different sets of channels are used alternately at each repeater point in the system. This means that a multiple-hop system, providing nine channels of program material, might be using a total of eighteen rf channels for an over-all bandwidth of from 360 to 450 Mc/s. of spectrum space along the system. In the Commission's view, this is a waste of spectrum space in many instances. But in any event we wish to stress that our proposals are not based on the possibility or instances of wasteful use of spectrum space. Rather, they are based simply on the consideration that such a large devotion of spectrum space to CATV relay use would appear unwarranted. The proposals set forth in pars. 31 and 32 below are incorporated in the attached proposed rules governing CAR stations; the matters discussed in pars. 34 and 35 are not included in the proposed rules, but are put forth as a subject of comment.

31. The 250 Mc/s in the band proposed to be made available to CAR stations would be divided into twenty assignable frequencies, spaced at 12.5 Mc/s from adjacent assignments within the band. The outermost frequencies would be assigned at 6.25 Mc/s from the band edges. With regard to bandwidth and channel arrangements, the proposal consists of two alternatives. The first proposal would provide for narrow band operation without overlap of principal sidebands. The second proposal would permit wideband operation, as under the present 25 Mc/s spacing, but would provide for 12.5 Mc/s spacing between assignable frequencies are for overlap of sidebands. Studies conducted by the Commission's Office of Chief Engineer have indicated that either proposal may be technically feasible and should result in improved frequency utilization and in increased flexibility in channel assignment. In making the two proposals, no preference is indicated by the Commission for either alternative. Either proposal will accommodate color retransmission and, from the critical standpoint of the CATV viewer, would result in no perceptible difference in the signal received. We recognize that the bandwidth limitation in the first proposal would effect a commensurate reduction in signal-to-noise ratio as compared to wideband systems assuming other operating parameters remain the same.[23]

32. In order to be accommodated in a 12.5 Mc/s channel-width under the first proposed alternative, CAR stations would be required to adhere to more rigid technical standards. If frequency modulation is employed, the total excursion of the radio frequency carrier under modulation would not exceed 1.5 megacycles-per-second. The maximum modulating frequency would not be greater than 4.525 megacycles-per-second. Under these conditions, the maximum necessary bandwidth would be 10.55 Mc/s. For the second proposed alternative, the total excursion of the radio frequency under modulation would be 9.05 Mc/s if frequency modulation were employed, the maximum modulating carrier would be 4.525 Mc/s, and the maximum necessary bandwidth would be 18.1 Mc/s. Under either proposal the operating frequency, i.e., the unmodulated carrier frequency, would be maintained within 0.02 percent of the assigned frequency at all times. Transmitter power output in excess of 5 watts would not be authorized. Directive transmitting antennas would be used, in which the angle between the half-power points of the major lobe would not exceed 3 degrees in the horizontal plane. The use of tilted reflecting screens mounted on towers or other elevated structures would be prohibited. These are sometimes referred to as "periscope" antennas.

33. By operating under either of the proposed technical standards, it would be possible for CAR licensees to deliver about twice as many video channels in the same amount of allocated spectrum space as they could under the standards now permitted. Equipment which can be operated in accordance with the proposed technical standards has been type accepted by the Commission and should be available on short notice. It is recognized that the additional operating requirements may slightly increase the initial cost of the system. While individual systems vary as to equipment and engineering costs, number of channels to be provided, etc., so that it is impossible to predict accurately the increased cost in individual cases, preliminary studies on the basis of the information now available to us indicate that the proposed technical standards herein would result in only a slight additional cost. The increased cost does not appear unreasonable, and we believe that the higher technical standards are necessary for economical spectrum usage in light of the rapidly growing and anticipated future needs for spectrum space.

34. Although no proposal is made in the attached proposed rules, comments are requested concerning the feasibility and practicability of requiring CAR licensees to receive and retransmit on the same channels at intermediate relay points in multi-hop systems where such "back-to-back" operation would be compatible with the route of the system. The frequencies could be transposed at repeater points, so long as the same channels were used for the succeeding and preceding hops. "Back-to-back" operation would enable a CAR licensee to provide up to twenty channels of program material in 250 Mc/s of spectrum space, using a bandwidth of 12.5 Mc/s. It is considered that such "back-to-back" operation, which would require a vertical or horizontal separation of antennas and perhaps some screening, may be practicable in many instances if careful attention is given to the selection of geographic sites and the design and placement of receiving and transmitting equipment. Comments concerning "back-to-back" operation should be accompanied with adequate technical analyses and factual data.

35. In addition to comments on the proposed rules, interested persons are also invited to comment on the feasibility of ultimately using vestigial sideband amplitude modulation video transmission with accompanying FM sound, in channels approximately 6 Mc/s wide (similar to those employed by television broadcast stations) for relaying television signals in the 13000 Mc/s portion of the spectrum. This has been shown to be practical in the 2500 Mc/s portion of the spectrum and should result in a substantial increase in the number of available channels.

B. *Common carrier licensees.* 36. The maximum permissible bandwidth of channels in the 10700–11700 Mc/s common carrier bands is 50 Mc/s. In practice, however, common carrier CATV microwave relay stations operate in bandwidths of about 30 MC/s, since the maximum bandwidths in the 3700–4200 and 5925–6425 Mc/s bands are 20 Mc/s and 30 Mc/s, respectively. We are not presently proposing to narrow the bandwidth of channels used by such stations, since these common carriers may have a number of CATV customers, may operate over longer routes, and may serve other customers such as television broadcast

[22b] The conditions specified in Docket Nos. 14895 and 15233 for interim grants during the pendency of that proceeding would, of course, continue to be applicable.

[23] The Commission recognizes that at this frequency range some problem of degradation of service may exist in areas with high rainfall density such as the Gulf coast area. The Commission would consider special situations of this nature on a case-by-case basis.

stations. Nor are we proposing to make the technical standards of operation proposed for CAR stations applicable to common carrier stations (except in one minor respect in the 10700–11700 Mc/s band only)[24] or to place any ceiling on number of Mc/s each common carrier licensee may use at any particular point in serving CATV systems. However, it is assumed that common carrier stations serving CATVs will continue to use bandwidths of 30 Mc/s or less where practical[25] and, to the extent consonant with the nature of the service provided, will use equipment and operate in a manner which will result in an efficient usage of the radio spectrum.[26]

37. Although no present proposal is made, it seems worthwhile to explore the feasibility of possible measures which might effect greater economy of spectrum usage by common carrier stations serving CATVs. The probable future need for something of this nature becomes apparent when consideration is given to the anticipated spectrum requirements of landline common carriers. The situation with respect to the 3700–4200 and 5925–6425 Mc/s bands is set forth in par. 14a–15 of Part II supra. The 10700–11700 Mc/s band is the only remaining portion of the radio spectrum presently available to accommodate common carrier frequency requirements once the 5925–6425 Mc/s band becomes fully saturated, a condition which is already occurring in certain areas of the United States. Although the 10700–11700 Mc/s band has been available for common carrier use for some time, the usage of the band has begun to increase sharply only in recent years as operating equipment was developed and became readily obtainable. In January 1959 there were approximately 207 frequency assignments in this band; as of March 1964 there were 2,122 assignments.

38. There are two other factors which may make it necessary to require more efficient spectrum usage by common carriers serving CATVs. In the first place, under the present state of the art, the amount of radio spectrum required to transmit a good quality television picture is vastly greater than that required for a voice telephone circuit. Under standards presently in use, a channel 25–30 Mc/s wide which carries only a single television signal could be used to carry 1860 telephone circuits. Similarly, a ten channel microwave system carrying five television signals could be used to provide 18,600 telephone circuits. Secondly, not only is there a constantly increasing demand by the public for additional telephone services, but there is also a very substantial and growing demand by businesses, the military, and governmental agencies for data transmission circuits and other complex communications services which require wide frequency bandwidths. The provision of such services by landline carriers will result in a much more rapid utilization of the available radio spectrum for common carrier services and may soon require steps to ensure more effective utilization of the radio spectrum in the future. Virtually all of the present assignments in the 10700–11700 Mc/s band serve vital public, governmental and military communications needs, and it would appear in the public interest to prevent this band from becoming unduly encumbered with video only services.

39. In other words, the Commission's objectives are two-fold. On the one hand, we want to ensure that full common carriage facilities are available in the common carrier microwave bands for the relay of television signals to CATV systems and that such facilities will be able to accommodate long-distance as well as short-haul operations. At the same time, in view of the other services to be accommodated in these bands, it appears desirable that such common carriage for CATV systems be accomplished with the minimum of spectrum usage consistent with the nature of the service which may be provided. Therefore, suggestions as to possible measures which might achieve both of these objectives would be helpful and are invited.

V. Conclusion

40. In conclusion, it is important to plan now, before the pertinent bands become congested, how best to accommodate the future spectrum needs of CATV systems and other microwave users. We are cognizant of the valuable service CATV systems render to the public in many areas and the desirability of promoting the orderly development of the CATV industry. The proposed rules are designed to provide for the growth potential of CATV systems and more efficient usage of the spectrum space allocated to them. We believe that the proposed common carrier allocations are sound as a matter of orderly spectrum management, since they would promote greater use of the higher frequencies for common carriage facilities which can effectively operate at the 11000 Mc/s range, permit authorization of a greater number of such facilities, and preserve space in the lower bands for microwave operations which may not readily be conducted at 11000 Mc/s in the present state of the art. The proposed CAR service allocation would provide a better accommodation of the spectrum needs of CATV systems for private microwave facilities than the frequencies in the Business Radio Service allocation in view of the growing requirements of the numerous users eligible in the international control and operational fixed band. We believe that the proposed measures for the CAR service are technically feasible and will further our goals. While it is recognized that the proposed additional operating requirements for CAR licensees may slightly increase the cost of the system, they are necessary, we think, in the overall public interest to ensure efficient utilization of the radio frequency spectrum.

41. The proposed rules governing Community Antenna Relay Stations would be incorporated in a new Subpart J of Part 74 of the Commission's rules and are set forth below in Appendix B, along with the proposed amendments to Parts 2, 21 and 91 of the rules. After comments have been received, the Commission may well spin-off portions of the rule making for early decision, since other portions may require more lengthy consideration. We have combined all the proposals in one notice and appended detailed proposed rules so that interested persons would be aware of the full dimensions of our present thinking and could direct their comments to concrete proposals.

42. Authority for the rule amendments proposed herein is contained in section 4 (i) and 303 of the Communications Act of 1934, as amended.

43. Any interested person who is of the opinion that the proposed rule changes should not be adopted in the form set forth herein may file with the Commission on or before October 1, 1964, written data, views or arguments setting forth his comments. Comments in support of the proposals may also be filed on or before that date. Comments or briefs in reply thereto may be filed on or before October 15, 1964. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited by this notice. In submitting such comments, parties should direct their comments to each of the rule making proposals separately rather than in combination.

44. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished the Commission.

Adopted: July 29, 1964.

Released: August 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[27]

[SEAL] BEN F. WAPLE,
Secretary.

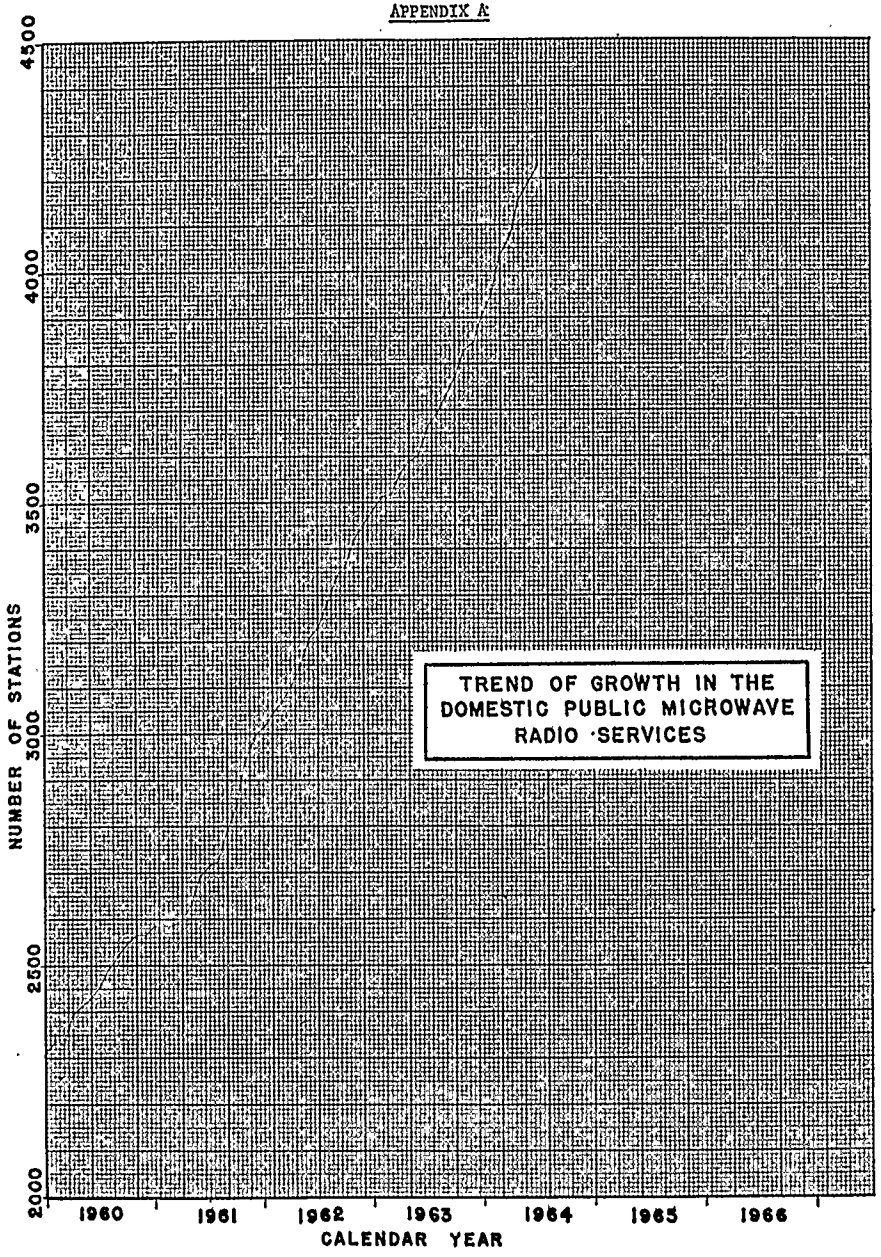
[24] In order to facilitate transfers to the CAR service, with a minimum of equipment adjustment, if appropriate in instances where a licensee in the 10700–11700 Mc/s band may lose his elegibility to use common carrier frequencies, we are proposing that stations in the 10700–11700 Mc/s band be required to use equipment which can maintain the same frequency stability as CAR stations, i.e., that the equipment be capable of maintaining the unmodulated carrier frequency within 0.02 percent of the assigned frequency (see proposed new § 21.122 in Appendix B).

[25] We are considering an overall bandwidth limitation of 30 Mc/s for all common carrier microwave operations in the 10700–11700 Mc/s band, although no proposal to that effect is made in this proceeding.

[26] Microwave systems using periscope type antennas are considered to be a potential source of interference for neighboring microwave routes, as well as wasteful of spectrum space. Experience has shown that appreciable amounts of radiation are scattered in undesired directions. Periscope system are considered to provide a serious hazard for future space communications. For these reasons, and because periscope antennas permit a less efficient utilization of the radio spectrum, the use of periscope antennas is undesirable. We expect that new common carrier applicants will propose efficient equipment and that licensees using periscope type antennas for existing operations will convert to more efficient equipment as replacements are required (see proposed new § 21.122 of the attached proposed rules in Appendix B prohibiting their use for stations serving CATVs in the 5925–6425 Mc/s and 10700–11700 Mc/s bands).

[27] Commissioners Bartley and Loevinger concurring; concurring statement of Commissioner Cox filed as part of the original document.

APPENDIX A:



APPENDIX B

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

I. Part 2 is amended as follows:

1. Section 2.1 is amended by adding the following definitions in appropriate alphabetical sequence:

§ 2.1 Definitions.

* * * * *

Community antenna relay service. A fixed service, the stations of which are used for the transmission of television and related audio signals to a terminal point from which the signals are distributed to the public by cable.

Community antenna relay station. A fixed station in the community antenna relay service.

* * * * *

2. In § 2.106, the Table of Frequency Allocations is amended in columns 7, 8, and 9 for the frequency bands 12200–12700 and 12700–13200 Mc/s, and two new NG footnotes are added as follows:

§ 2.106 [Amended]

Band Mc/s 7	Service 8	Class of station 9
* * * * * * *		
12200-12700 (NG*)	FIXED.	International control. Operational fixed.
12700-12950	FIXED. Mobile.	Television STL. Television Intercity Relay. Community Antenna Relay. Television Pickup. (NG#)
12950-13200 (NG 11)	FIXED. MOBILE.	Television STL. Television Pickup.
* * * * * * *		

NG* Stations used to relay television signals to community antenna television systems, which are authorized to operate in the band 12,200-12,700 Mc/s on 19 , may continue to be authorized to so operate until February 1, 1971, under the conditions specified in that license.

NG# In the band 12,700-12,950 Mc/s, television STL, television intercity relay, and community antenna relay stations shall be afforded co-equal primary status and television pickup stations shall be secondary thereto.

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

II. Part 21 is proposed to be amended as follows:

1. Section 21.121 is amended by the addition of two sentences at the end of the section, as follows:

§ 21.121 Replacement of equipment.

The licensee of a station in this service may replace equipment without authorization from the Commission, provided that the replacement equipment is on the Commission's list of transmitters acceptable for licensing (see § 21.120) and that such equipment conforms to the terms specified in the current instrument of authorization and the applicable rules and regulations. Requests for authority to make other changes in equipment shall be submitted to the Commission in appropriate applications for construction permits or modifications thereof as the case may require. This section does not authorize the replacement of microwave equipment of stations used to relay television signals to community antenna television systems and licensed in either the 3700–4200 or the 5925–6425 Mc/s band. Replacement of such equipment will be permitted only in the appropriate band as specified in § 21.701 and requests for authority to make replacement shall be submitted in appropriate applications for construction permits.

2. A new § 21.122 is added, as follows:

§ 21.122 Special provisions for the 5925–6425 Mc/s and 10,700–11,700 Mc/s bands.

(a) Transmitting apparatus for facilities in the 10,700–11,700 Mc/s band, used to relay television signals to com-

munity antenna television systems, will not be authorized unless such apparatus is capable of maintaining the frequency of the unmodulated carrier within 0.02 percent of the assigned frequency.

(b) The use of elevated reflecting screens, so that the transmitting or receiving antennas may be installed at a lower elevation, is prohibited in the 5925–6425 Mc/s and 10,700–11,700 Mc/s bands for stations used to relay television signals to community antenna television systems.

3. Section 21,700 is amended by the addition of two sentences at the end of the section, as follows:

§ 21.700 Eligibility.

Authorizations for stations in this service will be issued to existing and proposed communication common carriers. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service, and (c) the public interest, convenience or necessity would be served by a grant thereof. In addition, applications for stations to be used to relay television signals to community antenna television systems must include a factual showing that at least 50 percent of the customers subscribing for applicant's service are unrelated and unaffiliated with the applicant, and that the proposed usage by such customers, in terms of hours of use and channels delivered, constitutes at least 50 percent of the usage of applicant's microwave system. Applications which do not contain the showing required by this section will be rejected.

4. In section 21.701, a new paragraph (i) is added, to read as follows:

§ 21.701 Frequencies.

* * * * *

(i) Facilities authorized after _____ 19__, which are used to relay television signals to community antenna television systems will be authorized only in the 10,700–11,700 Mc/s band where the total path lengths of the longest route of the microwave system do not exceed 400 air miles, may be authorized in either the 5925–6425 Mc/s band or in the 10,700–11,700 Mc/s band where the total path length of the longest route exceed 600 air miles, and may be authorized in the 5925–6425 Mc/s band where the total path lengths of the longest route are 400–600 air miles if a satisfactory showing is made that operation in the 10,700–11,700 Mc/s band is not practicable. Such facilities may carry only television and related audio signals unless otherwise provided by the Commission. Modifications of such facilities, or of facilities authorized prior to _____ 19__, either in the 3700–4200 Mc/s band or in the 5925–6425 Mc/s band which are used to relay television signals to community antenna television systems, involving replacement of microwave equipment or extensions or service to new points of communication, will be authorized only in the 10,700–11,700 Mc/s band where the total path lengths of the longest route do not exceed 400 air miles, or where such total path lengths are between 400–600 air miles unless a satisfactory showing is made that operation in the 10,700—11,700 Mc/s band is not practicable.

5. Section 21.705 is amended to include a reference to § 21.701, to read as follows:

§ 21.705 Permissible communications.

Stations in this service are authorized to render any kind of communication service provided for in the legally applicable tariffs of the carrier, unless otherwise directed in the applicable instrument of authorization or limited by §§ 21.701 and 21.703.

6. Section 21.709 is revised to read:

§ 21.709 Renewal of station licenses.

(a) An application for renewal of a license of a station in the Domestic Public Point-to-Point Microwave Radio Service used to relay television signals to community antenna television systems must include a factual showing that at least 50 percent of the customers subscribing for applicant's service are unrelated and unaffiliated with the applicant, and that the usage by such customers, in terms of hours of use and channels delivered, constitutes at least 50 percent of the usage of applicant's microwave system. Applications which do not contain the showing required by this section will be rejected.

(b) The showing made under paragraph (a) of this section shall be made in duplicate and under oath and submitted with the appropriate renewal application.

(c) Applicants whose licenses expired on February 1, 1961 or 1963, and who have renewal applications pending before the Commission, or presently authorized common carrier licensees whose licenses will expire on February 1, 1966, who serve affiliated or related customers may become licensees in the non-common carrier service established for the operation of microwave facilities for retransmission of television signals to community antenna television systems upon qualification therein and be granted a waiver of the Commission's rules so that they may be authorized to continue to use the common carrier frequencies on which they are presently operating until February 1, 1971, if they elect to do so. Such election must be made by applicants with pending renewal applications within 60 days of (effective date of amending action), and must be made by presently authorized common carrier licensee whose licenses will expire on February 1, 1966, at least 60 days prior to February 1, 1966. The license issued in such non-common carrier service will not be renewable on the common carrier frequencies. Applications for renewal of such non-common carrier licenses shall be filed for frequencies assigned to the non-common carrier radio service. Modifications or replacements of station facilities licensed in such non-common carrier service and operating in the 5925–6425 Mc/s band or the 10,700–11,700 Mc/s band which involve replacement of microwave equipment, additions of new microwave equipment, or extensions of service to new points of communication, will be authorized only on frequencies assigned to the non-common carrier service.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

III. Part 74 is amended as follows:

1. Section 74.1(c) is amended by adding a new subparagraph (4) to read as follows:

§ 74.1 Services covered by this part.

* * * * *

(c) * * *

(4) Community antenna relay stations (Subpart J).

2. Section 74.15(f) is amended to read as follows:

§ 74.15 License period.

* * * * *

(f) Licenses for instructional television fixed stations and community antenna relay stations will be issued for a period of 5 years beginning with the date of grant.

3. A new Subpart J is added to read as follows:

Subpart J—Community Antenna Relay Stations

DEFINITIONS AND ALLOCATION OF FREQUENCIES

Sec.
74.1001 Definitions.
74.1003 Frequency assignments.
74.1005 Interference.

ADMINISTRATIVE PROCEDURE

74.1007 Cross reference.

LICENSING POLICIES

74.1031 Purpose and permissible service.
74.1033 Eligibility and licensing requirements.
74.1035 Remote control operation.
74.1037 Unattended operation.
74.1039 Power limitations.
74.1041 Emissions and bandwidth.
74.1043 Antennas.

EQUIPMENT

74.1050 Equipment and installation.
74.1053 Equipment changes.

TECHNICAL OPERATION

74.1061 Frequency tolerance.
74.1063 Frequency monitors and measurements.
74.1065 Modulation limits.
74.1067 Time of operation.
74.1069 Station inspection.
74.1071 Posting of station and operator licenses.
74.1073 Operator requirements.
74.1075 Marking and lighting of antenna structures.
74.1077 Additional orders.
74.1079 Copies of the rules.

OPERATION

74.1081 Logs.
74.1083 Retransmissions.

Subpart J—Community Antenna Relay Stations

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 74.1001 Definitions.

Community Antenna Relay (CAR) Station. A fixed station used for the

transmission of television signals from the point of reception to a terminal point from which the signals are distributed to the public by cable.

Attended operation. Operation of a station by a qualified operator on duty at the place where the transmitting apparatus is located with the transmitter in plain view of the operator.

Unattended operation. Operation of a station by automatic means whereby the transmitter is turned on and off and performs its functions without attention by a qualified operator.

Remote control operation. Operation of a station by a qualified operator on duty at a control position from which the transmitter is not visible but which control position is equipped with suitable control and telemetering circuits so that the essential functions that could be performed at the transmitter can also be performed from the control point.

§ 74.1003 Frequency assignments.

(a) The following frequencies may be assigned to community antenna relay stations:

Mc/s	Mc/s	Mc/s	Mc/s
12706.25	12768.75	12831.25	12893.75
12718.75	12781.25	12843.75	12906.25
12731.25	12793.75	12856.25	12918.75
12743.75	12806.25	12868.75	12931.25
12756.25	12818.75	12881.25	12943.75

(b) Frequencies in 12,700–12, 950 Mc/s band are shared by CAR, television STL, and Intercity Relay stations on a coequal primary basis, with television Pickup stations being secondary thereto.

(c) An application for a CAR station shall be specific with regard to the frequency or frequencies requested.

§ 74.1005 Interference.

(a) Applicants for community antenna relay stations shall endeavor to select an assignable frequency or frequencies which will be least likely to result in interference to other licensees in the same area.

(b) An applicant for a community antenna relay station shall take full advantage of all known techniques, such as the geometric arrangement of transmitters and receivers, the use of minimum power required to provide the needed service, and the use of highly directive transmitting and receiving antenna systems, to prevent interference to the reception of television STL, television Intercity Relay, and other CAR stations.

ADMINISTRATIVE PROCEDURE

§ 74.1007 Cross reference.

See §§ 74.11 to 74.16.

LICENSING POLICIES

§ 74.1031 Purpose and permissible service.

(a) Community antenna relay stations are essentially intended for use by owners of community antenna television (CATV) distribution systems to relay television programs from the point of television broadcast reception to CATV distribution systems; however, CAR licensees are not precluded from interconnecting their facilities with those of other CAR or common carrier licensees.

(b) The program material transmitted over a community antenna relay system shall be intended for use by one or more CATV systems owned and controlled by the licensee of the community antenna relay station. The same program material may be supplied to other CATV systems. However, a community antenna relay station may not be operated solely for the purpose of supplying program material to CATV systems owned by other than the licensee of the community antenna relay station, and may not be operated on a common carrier for hire basis.

§ 74.1033 Eligibility and licensing requirements.

(a) A license for a community antenna relay station will be issued only to the owner of a CATV system, upon a satisfactory showing that the applicant is qualified under the statutory provisions of the Communications Act of 1934, as amended, that suitable frequencies are available for the proposed operation, and that the public interest, convenience, and necessity will be served by a grant thereof.

(b) In reaching a determination as to the public interest, convenience, and necessity, the Commission will consider the impact of the service proposed to be provided by the CATV system or systems served by the community antenna relay system on the orderly development of a nationwide television broadcasting system and the individual TV stations comprising such a nationwide system.

(c) An application for a new community antenna relay station or for changes in the facilities of an existing station shall specify the call sign and location of any TV broadcast station or stations to be received, the location of the point at which reception will be made, the number and location of any intermediate relay stations in the system, the location of the terminal receiving point in the system, the name or names of the communities to be served by the CATV system or systems to which the programs will be delivered, and the number of subscribers.

§ 74.1035 Remote control operation.

(a) A community antenna relay station may be operated by remote control provided the following conditions are met:

(1) The transmitter and associated control system shall be installed and protected in a manner designed to prevent tampering or operation by unauthorized persons.

(2) An operator meeting the requirements of § 74.1071 shall be on duty at the remote control position and in actual charge thereof at all times when the station is in operation.

(3) Facilities shall be provided at the control position which will permit the operator to turn the transmitter on and off at will. The control position shall also be equipped with suitable devices for observing the overall characteristics of the transmissions and a carrier operated device which will give a continuous visual indication whenever the transmitting antenna is radiating a signal. The transmitting apparatus shall be inspected as often as may be necessary to insure proper operation.

(4) The control circuits shall be so designed and installed that short circuits, open circuits, other line faults, or any other cause which would result in loss of control of the transmitter will automatically cause the transmitter to cease radiating.

(b) An application for authority to construct a new station or to make changes in the facilities of an existing station and which proposes operation by remote control shall include an adequate showing of the manner of compliance with the requirements of this section.

§ 74.1037 Unattended operation.

(a) Unattended operation of a community antenna relay station will be permitted only if the following requirements are met:

(1) The transmitter and any associated control circuits shall be installed and protected in a manner designed to prevent tampering or operation by unauthorized persons.

(2) The transmitter shall be equipped with automatic circuits which will permit it to radiate only when a signal on the frequency which it is intended to retransmit is present at the input terminals of the apparatus.

(3) If the transmitting apparatus is located at a site which is not readily accessible at all hours and in all seasons, means shall be provided for turning the transmitter on and off at will from a location which can be reached promptly at all hours and in all seasons.

(4) Appropriate observations shall be made, at intervals not exceeding one hour during the period of its operation, at the receiving end of the circuit by an operator meeting the requirements of § 74.1071, who shall take immediate corrective action if any condition of improper operation is observed.

(5) The station licensee shall be responsible for the proper operation of the station, and all adjustments or tests during or coincident with the installation, servicing, or maintenance of the station which may affect its operation shall be performed by or under the immediate supervision and responsibility of a licensed operator as provided in § 74.1071.

(b) An application for authority to construct a new station or to make changes in the facilities of an existing station and which proposes unattended operation shall include an adequate showing as to the manner of compliance with the requirements of this section.

§ 74.1039 Power limitations.

The transmitter output power shall not be greater than necessary and, in any event, shall not exceed 5 watts.

§ 74.1041 Emissions and bandwidth.

(a) A community antenna relay station may be authorized to employ any type of emission suitable for the simultaneous transmission of visual and aural television signals. If frequency modulation is employed, the total excursion of

the radio frequency carrier under modulation shall not exceed (1.5) (9.05)* Mc/s. The maximum modulating frequency shall not be greater than 4.525 Mc/s. Under these conditions, the maximum necessary bandwidth is (10.55) (18.1)* Mc/s.

(b) Any emission appearing on a frequency outside the necessary bandwidth shall be attenuated in accordance with the following table:

Separation in Mc/s from center frequency	Attenuation below unmodulated carrier
	db
(5.275–10.55) (9.05–18.1)*	25.
(10.55–26.39) (18.1–45.25)*	35.
More than (26.39) (45.25)*	43+10 $\log_{10}$×(power in watts).

(1) Any emission appearing on a frequency above the upper channel limit or below the lower channel limit between zero and 50 percent of the assigned channel width shall be attenuated at least 25 decibels below the level of the unmodulated carrier.

(2) Any emission appearing on a frequency above the upper channel limit or below the lower channel limit by between 50 percent and 150 percent of the assigned channel width shall be attenuated at least 35 decibels below the level of the unmodulated carrier.

(3) Any emission appearing on a frequency above the upper channel limit or below the lower channel limit by more than 150 percent of the assigned channel width shall be attenuated at least 43+10 $\log_{10}$ (power in watts) decibels below the level of the unmodulated carrier.

§ 74.1043 Antennas.

(a) Community antenna relay stations shall use directive transmitting antennas. The maximum beam width in the horizontal plane between half power points of the major lobe shall not exceed 3 degrees. Either vertical, horizontal, or rotating polarization may be employed. The Commission reserves the right to specify the polarization of the transmitted signal.

(b) The use of elevated reflecting screens, so that the transmitter may be installed at a lower elevation, is prohibited.

(c) The choice of receiving antennas is left to the discretion of the licensee. However, licensees will not be protected from interference which results from the lack of adequate antenna discrimination against unwanted signals.

EQUIPMENT

§ 74.1050 Equipment and installation.

(a) Transmitting apparatus proposed for use as a community antenna relay station will not be authorized unless it has been granted Type Acceptance by the Commission. The procedures for obtaining type acceptance are contained in Part 2 of this chapter.

(b) The transmitting apparatus shall comply with the following requirements:

(1) The emission spectrum containing 99 percent of the radiated power shall not occupy a bandwidth in excess of (10.55) (18.1) Mc/s.*

(2) The operating frequency of the unmodulated carrier shall not vary by more than 0.02 percent of the assigned frequency with variations of line voltage and ambient temperature normally expected to be encountered.

(3) If frequency modulation is employed, the maximum peak-to-peak frequency deviation shall not exceed (1.5) (9.05) Mc/s.*

(4) If amplitude modulation is employed, the negative peaks shall not exceed 100 percent.

(5) The transmitter shall be designed to limit the maximum modulating frequency to 4.525 Mc/s.

(6) The maximum rated power output of the transmitter shall not exceed 5 watts.

(7) Spurious emissions and radio frequency harmonics shall be attenuated in accordance with the requirements of § 74.1041.

(c) The installation of a community antenna relay station shall be made by or under the immediate supervision of a qualified engineer. Any tests or adjustments requiring the radiation of signals and which could result in improper operation shall be conducted by or under the immediate supervision of an operator holding a valid first- or second-class radiotelephone operator license.

(d) Simple repairs such as the replacement of tubes, fuses, or other plug-in components which require no particular skill may be made by an unskilled person. Repairs requiring replacement of attached components or the adjustment of critical circuits or corroborative measurements shall be made only by a person with the knowledge and skill to perform such tasks.

§ 74.1053 Equipment changes.

(a) Formal application (FCC Form _____) is required for any of the following changes:

(1) Replacement of the transmitter as a whole, except replacement with an identical transmitter, or any change in equipment which could result in a change in the electrical characteristics or performance of the station.

(2) Any change in the transmitting antenna system including the direction of the main radiation lobe, directive pattern, antenna gain, or transmission line.

(3) Any change in the height of the antenna above ground, or any horizontal change in the location of the antenna.

(4) Any change in the transmitter control system.

(5) Any change in the location of the transmitter, except a move within the same building or upon the tower or mast.

(6) Any change in frequency assignment.

(7) Any change of authorized operating power.

(b) Other equipment changes not specifically referred to in paragraph (a) of this section may be made at the discretion of the licensee, provided that the Engineer in Charge of the radio district in which the station is located and the Commission in Washington, D.C., are notified in writing upon the completion of such changes and provided further, that the changes are appropriately reflected in the next application for renewal of licenses of the station.

TECHNICAL OPERATION

§ 74.1061 Frequency tolerance.

The frequency of the unmodulated carrier of a community antenna relay station shall be maintained within 0.02 percent of the center of the assigned channel.

§ 74.1063 Frequency monitors and measurements.

(a) Suitable means shall be provided to insure that the operating frequency is within the prescribed tolerance at all times. The operating frequency shall be checked as often as is necessary to insure compliance with § 74.1061 and in any case at intervals of no more than one month.

(b) The choice of apparatus to measure the operating frequency is left to the discretion of the licensee. However, failure of the apparatus to detect departures of the operating frequency in excess of the prescribed tolerance will not be deemed an acceptable excuse for the violation.

§ 74.1065 Modulation limits.

(a) If frequency modulation is employed, the maximum peak-to-peak frequency deviation shall not exceed (1.5) (9.05) Mc/s.*

(b) If amplitude modulation is employed, negative modulation peaks shall not exceed 100 percent modulation.

(c) The maximum modulating frequency employed for any purpose shall not be greater than 4.525 Mc/s.

§ 74.1067 Time of operation.

(a) A community antenna relay station is not expected to adhere to any prescribed schedule of operation. However, it is limited to operation only when the originating station, or stations, is transmitting the programs which it relays except as provided in paragraph (b) of this section.

(b) The transmitter may be operated for short periods of time to permit necessary tests and adjustments. The radiation of an unmodulated carrier for extended periods of time or other unnecessary transmissions are forbidden.

§ 74.1069 Station inspection.

The station and all records required to be kept by the licensee shall be made available for inspection upon request by any authorized representative of the Commission.

§ 74.1071 Posting of station and operator licenses.

(a) The station license and any other instrument of authorization or individual order concerning the construction or the equipment or manner of operation shall be posted at the place where the transmitter is located, so that all terms thereof are visible except as otherwise provided in paragraphs (b) and (c) of this section.

*If the second alternative proposed in paragraph 31 of the notice of proposed rule making is adopted, the latter figure will apply.

(b) In cases where the transmitter is operated by remote control, the documents referred to in paragraph (a) of this section shall be posted in the manner described at the control point of the transmitter.

(c) In cases where the transmitter is operated unattended, the name of the licensee and the call sign of the unattended station shall be displayed at the transmitter site on the structure supporting the transmitting antenna, so as to be visible to a person standing on the ground at the transmitter site. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition at all times by the licensee. The station license and other documents referred to in paragraph (a) of this section shall be kept at the nearest attended station or, in cases where the license of the unattended station does not operate attended stations, at the point of destination of the signals relayed by the unattended station.

(d) The original of each station operator license shall be posted at the place where he is on duty: *Provided, however,* That if the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing the class of station and is there available for inspection by a representative of the Commission, a verification card (FCC Form 758-F) is acceptable in lieu of the posting of such license: *Provided further, however,* That if the operator on duty holds an operator permit of the card form (as distinguished from the diploma form), he shall not post that permit but shall keep it in his personal possession.

§ 74.1073 Operator requirements.

(a) One or more radio operators holding valid radiotelephone first- or second-class operator licenses shall be on duty at the place where the transmitting apparatus of any community antenna relay station is located, in plain view of and in actual charge of its operation: *Provided, however,* That if a station is operated by remote control as provided in § 74.1035, such operator or operators must be on duty at the remote control position in lieu of the transmitting location: *And provided further,* That, if a station is operated unattended as provided in § 74.1037, such operator shall be on duty at the receiving end of the circuit and shall be responsible for making the required observations to insure that any condition of improper operation is promptly corrected.

(b) Any transmitter tests, adjustment, or repairs during or coincident with the installation, servicing, operation, or maintenance of a community antenna relay station which may affect the proper operation of such station shall be made by or under the immediate supervision and responsibility of a person holding a valid first- or second-class radiotelephone operator license, who shall be fully responsible for proper functioning of the station equipment.

(c) The licensed operator on duty and in charge of a community antenna relay station may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator license which he holds and the rules governing such stations. However, such duties shall in no way impair or impede the required supervision of the community antenna relay station.

§ 74.1075 Marking and lighting of antenna structures.

The marking and lighting of antenna structures authorized by the Commission, where required, will be specified in the authorization issued by the Commission. Part 17 of this chapter sets forth the circumstances under which such marking and lighting will be required and the responsibility of the licensee with regard thereto.

§ 74.1077 Additional orders.

In case the rules of this part do not cover all phases of operation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

§ 74.1079 Copies of the rules.

The licensee of a community antenna relay station shall have current copies of Part 74, and in cases where aeronautical hazard marking of antennas is required, Part 17 of this chapter shall be available for use by the operator in charge. Both the licensee and the operator or operators responsible for the proper operation of the station are expected to be familiar with the rules governing community antenna relay stations. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402, at nominal cost.

§ 74.1081 Logs.

The licensee of a community antenna relay station shall maintain an operating log showing the following:

(a) The date and time of the beginning and end of each period of operation of each transmitter.

(b) The date and time of any unscheduled interruptions to the transmissions of the station, the duration of such interruptions, and the causes thereof.

(c) A record of repairs, adjustments, tests, maintenance, and equipment changes.

(d) Log entries shall be made in an orderly and legible manner by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty.

(e) Where an antenna structure is required to have aeronautical hazard markings, the information required by § 17.38 of this chapter shall be included.

(f) No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention required by rule. Any necessary correction may be made only by the person who made the original entry who shall strike out the erroneous portion, initial the correction made, and show the date the correction was made.

(g) Operating logs shall be retained for period of not less than 2 years. The Commission reserves the right to order retention of logs for a longer period of time. In cases where the licensee has notice of any claim or complaint, the log shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for filing of suits upon such claims.

§ 74.1083 Retransmissions.

(a) Community antenna relay stations are limited to the relaying of television broadcast and related audio signals unless otherwise authorized by the Commission. Relaying includes retransmission of such signals by intermediate relay stations in the system.

(b) Community antenna relay stations may also retransmit the signals of other community antenna relay or common carrier stations operated by different licensees provided that the program material retransmitted meets the requirements of paragraph (a) of this section.

PART 91—INDUSTRIAL RADIO SERVICES

IV. Part 91 is amended as follows:

1. Section 91.554 is amended as follows:

a. The Business Radio Service Frequency Table contained in paragraph (a) is amended in the frequencies above 952 Mc/s by the addition of limitations 21 and 22 to read as follows:

§ 91.554 [Amended]

Frequency band	Class of station(s)	General reference	Limitations
Mc/s			
* * *	* * *	* * *	* * *
952- 960	Operational fixed	Microwave fixed	1, 18, 21
6,575- 6,875	do	do	1, 19, 21
10,550-10,700	do	do	1, 21
11,700-12,200	Base or mobile	Microwave mobile	1, 21
12,200-12,700	Operational fixed	Microwave fixed	1, 21, 22
13,200-13,250	do	do	1, 21
16,000-18,000	do	do	1, 21
26,000-30,000	do	do	1, 21

b. Paragraph (b) is amended by the addition of two new limitation numbers 21 and 22 in appropriate numerical sequence as follows:

* * * * *

(21) Operation in this frequency band is not permitted for transmission of television signals by microwave radio to community antenna television distribution systems.

(22) Licensees authorized to transmit television signals by microwave radio to community antenna distribution systems on _____ 19__, may continue to be authorized to so operate until February 1, 1971.

[F.R. Doc. 64-7921; Filed, Aug. 7, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3–m]

FERTILIZERS FROM CANADA

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value; Correction

AUGUST 5, 1964.

The FEDERAL REGISTER notice dated March 13, 1964, is hereby corrected as follows: Wherever the words "ammonium phosphate type fertilizer" appear, they should be amended to read "fertilizers: ammonium phosphate type, ammonium nitrate type."

This amendment shall take effect as of its date of issuance.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 64–8012; Filed, Aug. 7, 1964; 8:49 a.m.]

Internal Revenue Service

[Order No. 5 (Rev. 5)]

ACTING COMMISSIONER

Emergency Order of Succession and Delegation of Authority

JULY 31, 1964.

1. By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, the officials in the positions listed below are hereby authorized, in the event of an enemy attack on the United States, and the disability of the Commissioner, his absence from the main Treasury Relocation Site, or if there is a vacancy in the office, to succeed to the position of Acting Commissioner in the order listed, and are authorized to perform the functions of Commissioner to insure the continuity of the functions of that office:

Deputy Commissioner.
Assistant Commissioner (Compliance).
Assistant Commissioner (Technical).
Assistant Commissioner (Data Processing).
Assistant Commissioner (Inspection).
Assistant Commissioner (Planning and Research).
Assistant Commissioner (Administration).

2. If none of these officials are available, the first available Regional Commissioner, in the order of appointment as Regional Commissioner, will become Acting Commissioner. Should any of the officials specified in Paragraphs 1 and 2 be required to act as Secretary of the Treasury under Treasury Order No. 183, as revised, he will be considered as not available to assume the position of Acting Commissioner.

3. If none of the officials listed in Paragraphs 1 and 2 are available, the first available District Director in the order shown on the list on file at each National Office Relocation Site (prepared on the basis of the higher GS grades first, date of promotion to the grade and alphabetical order where grade and promotion dates are identical) will assume the position of Acting Commissioner until relieved or further instructions are given by proper authority.

4. There is hereby delegated to Regional Commissioners and District Directors, or the officials acting in their stead, in the event of an enemy attack on the United States, all authority vested in the Commissioner of Internal Revenue by law or transfer from the Secretary of the Treasury to insure the continuous performance of Internal Revenue Service functions in their areas of jurisdiction. This delegation of authority will remain in effect until notice is received from proper authority that it has been terminated.

5. This order supersedes Delegation Order No. 5 (Rev. 4), issued March 20, 1963.

Effective date: July 31, 1964.

[SEAL] BERTRAND M. HARDING,
Acting Commissioner.

[F.R. Doc. 64–8013; Filed, Aug. 7, 1964; 8:49 a.m.]

Office of Foreign Assets Control

SILK WASTE

Importation From Italy, Japan and Switzerland

There has been in effect under the Foreign Assets Control Regulations a procedure covering the importation of silk waste from Italy, Japan, and Switzerland. This procedure has provided for such silk waste to be placed in public warehouse until authorization for its removal was given by Foreign Assets Control. Such authorization was given only after the shipment had been determined, by Customs examination of appropriate sample, to be substantially free of tussah silk.

Notice is hereby given that under existing circumstances Foreign Assets Control no longer deems it necessary to keep this particular procedure in effect and, accordingly, it has been revoked. Henceforth, silk waste imported from Italy, Japan, and Switzerland will be released from Customs custody to the importer on its arrival, insofar as the Foreign Assets Control Regulations are concerned, provided, of course, there is no reason to believe that the merchandise is of Communist Chinese, North Korean, or North Viet-Namese origin or that there is any interest of a designated national of those countries therein. However, samples from such silk waste shipments will continue to be taken by Customs for analysis. If samples from any shipment are found to contain more than 5 percent of tussah silk, Customs will require redelivery of the merchandise and its further disposition will be subject to a Foreign Assets Control license.

It would be contrary to Foreign Assets Control policy to grant licenses authorizing the importation of any silk waste determined to have more than 5 percent tussah content, notwithstanding that payment for such merchandise may already have been made.

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director,
Office of Foreign Assets Control.

[F.R. Doc. 64–8014; Filed, Aug. 7, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Small Tract Classification No. 131]

ALASKA

Small Tract Classification

AUGUST 3, 1964.

1. Pursuant to authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in section 1, Delegation of Authority (29 F.R. 3015) dated February 27, 1964, I hereby classify the following described lands totaling 1,831.77 acres as suitable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended.

SEWARD MERIDIAN

T. 2 N., R. 12 W.,
Sec. 4, lots 5 to 7 incl.;
Sec. 9, lots 3, 4, 7 and 8.
T. 3 N., R. 11 W.,
Sec. 31, lots 3, 4, 9, 10 and NE¼NW¼;
Sec. 32, lots 2 and 11.
T. 3 N., R. 12 W.,
Sec. 2, E½EW¼;
Sec. 3, lots 1, 2, 4 and S½SE¼;
Sec. 9, lots 5 to 19, incl., and SE¼NE¼, SE¼NW¼NE¼, SW¼NE¼, E½E½SW¼, and W½SE¼;
Sec. 11, N½NW¼;
Sec. 13, lot 8;
Sec. 21, lots 5 to 7, incl., 9 to 16, incl., and E½W½;
Sec. 22, lots 1, 2, and NW¼SE¼ and SE¼SW¼;
Sec. 24, lot 11;
Sec. 25, lot 4;
Sec. 27, lots 2 to 4, incl.;
Sec. 29, lots 5, 7 to 18, incl., and E½W½;
Sec. 33, lots 1 and 3.

2. Classification of the above described lands by this order segregates them from all appropriations except to allowable applications under the mineral leasing laws and to selections by the State of Alaska in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 43 U.S.C. 46–3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. The lands described in paragraph 1 of this order were restored from with-

drawal by Public Land Order No. 977 of June 23, 1954. They were retained in a reserved status pending an order of classification to be issued by an authorized officer opening the lands to application under the Alaska Public Sale Act of August 30, 1949, (63 Stat. 679; 48 U.S.C. 364a–364e) or to disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended.

JAMES W. SCOTT,
Manager, Anchorage District and Land Office.

[F.R. Doc. 64–8017; Filed, Aug. 7, 1964; 8:50 a.m.]

Geological Survey

[Classification Order Montana No. 252]

MONTANA

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

MONTANA PRINCIPAL MERIDIAN, MONTANA

NONCOAL LANDS

T. 5 S., R. 20 E., entire township.

The area described aggregates 23,046 acres, more or less.

ARTHUR A. BAKER,
Acting Director.

AUGUST 3, 1964.

[F.R. Doc. 64–7989; Filed, Aug. 7, 1964; 8:48 a.m.]

[Classification Order Wyoming No. 122]

WYOMING

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

COAL LANDS

T. 45 N., R. 100 W.
Sec. 2, lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼;
Sec. 3;
Sec. 4, E½;
Sec. 9, E½;
Sec. 10;
Sec. 11, W½;
Sec. 12, E½, E½W½ W½NW¼, NW¼ SW¼;
Sec. 13, E½NE¼, NW¼NE¼, W½;
Sec. 14, E½E½, SW¼NE¼, NW¼NW¼;
Sec. 15, N½N½;
Sec. 16, NE¼;
Sec. 24, SW¼NE¼, W½, SE¼.

The following lands, previously classified as noncoal, are hereby reclassified as coal lands:

T. 45 N., R. 100 W.
Sec. 4, lots 3 and 4, S½NW¼, SW¼;
Sec. 5, lots 1 and 2, S½NE¼, SE¼;
Sec. 8, E½;
Sec. 9, W½.

NONCOAL LANDS

T. 45 N., R. 100 W.
Sec. 1;
Sec. 2, lot 1, SE¼NE¼, SE¼;
Sec. 11, E½;
Sec. 12, SW¼SW¼;
Sec. 13, SW¼NE¼, SE¼;
Sec. 14, NW¼NE¼, E½NW¼, SW¼NW¼, N½SW¼, NW¼SE¼;
Sec. 15, S½N½;
Sec. 23, E½NE¼;
Sec. 24, N½NE¼, SE¼NE¼.

The area described aggregates 8,131 acres, more or less, of which 4,768 acres are classified as coal lands; 1,281 acres are reclassified as coal lands, previously classified noncoal; and 2,082 acres are classified as noncoal lands.

ARTHUR A. BAKER,
Acting Director.

JULY 31, 1964.

[F.R. Doc. 64–7990; Filed, Aug. 7, 1964; 8:48 a.m.]

[Classification Order Wyoming No. 123]

WYOMING

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879, (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as noncoal lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 25 N., R. 87 W.
Secs. 1 to 18, inclusive;
Secs. 20 to 28, inclusive;
Secs. 34, 35, 36.

The area described aggregates 19,154 acres, more or less.

ARTHUR A. BAKER,
Acting Director.

AUGUST 3, 1964.

[F.R. Doc. 64–7991; Filed, Aug. 7, 1964; 8:48 a.m.]

[Classification Order Wyoming No. 125]

WYOMING

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

COAL LANDS

T. 43 N., R. 73 W.
T. 44 N., R. 73 W.
T. 45 N., R. 73 W.
T. 46 N., R. 73 W.
T. 47 N., R. 73 W.
T. 43 N., R. 74 W.
T. 44 N., R. 74 W.
T. 45 N., R. 74 W.
T. 46 N., R. 74 W.
T. 47 N., R. 74 W.
T. 45 N., R. 75 W.
T. 46 N., R. 75 W.
T. 46 N., R. 76 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 15, inclusive;
Sec. 22, E½;
Secs. 23 to 26, inclusive;
Sec. 27, E½;
Sec. 35, N½;
Sec. 36, N½.

The area described aggregates 288,902 acres, more or less.

ARTHUR A. BAKER,
Acting Director.

AUGUST 3, 1964.

[F.R. Doc. 64–7992; Filed, Aug. 7, 1964; 8:48 a.m.]

[Land Classification Order Idaho No. 12]

IDAHO

Phosphate Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described land, insofar as title thereto remains in the United States, is hereby classified as nophosphate land:

BOISE MERIDIAN, IDAHO

T. 5 N., R. 42 E.,
Sec. 25, all;
Sec. 26, all;
Sec. 35, all;
Sec. 36, all.

The area described aggregates 2,560 acres, more or less.

ARTHUR A. BAKER,
Acting Director.

AUGUST 3, 1964.

[F.R. Doc. 64–7993; Filed, Aug. 7, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 450]

DENVER UNION STOCK YARD

Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on December 26, 1963 (22 A.D. 1351), authorizing the respondent, The Denver Union Stock Yard Company, Denver, Colorado, to assess the current temporary schedule of rates and charges to and including December 31, 1965, unless modified or extended by further order before the latter date.

By a petition filed on July 16, 1964, the respondent requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below.

SECTION 1

YARDAGE

	Rate per head Present	Proposed
Cattle (except bulls):		
Consignments of one head and one head only	$1.75	$1.90
Consignments of two or more head and not more than five head	1.60	1.75
Consignments of six or more head and not more than ten head	1.35	1.50
Consignments of eleven or more head	1.25	1.40
Bulls (600 lbs. and over except purebreds):		
Consignments of one head and one head only	2.45	2.60
Consignments of two or more head and not more than five head	2.30	2.45
Consignments of six or more head and not more than ten head	1.92	2.07
Consignments of eleven head or more	1.75	1.90
Calves (400 lbs. and under):		
Consignments of one head and one head only	.99	1.06
Consignments of two or more head and not more than five head	.83	.90
Consignments of six or more head and not more than ten head	.78	.85
Consignments of eleven or more head	.71	.78
Hogs:		
Consignments of one head and one head only	.53	.59
Consignments of two or more head and not more than five head	.49	.55
Consignments of six or more head and not more than ten head	.41	.47
Consignments of eleven or more head	.38	.44
Sheep or Goats	.24	.28
Horses or Mules	1.00	2.00

* * * * *

SECTION 2

RESALE OR REWEIGH

	Rate per head Present	Proposed
Cattle (except purebred cows):		
Resold and/or reweighed through or by commission firms	$1.25	$1.40
* * * * *		
Bulls (600 lbs. and over except purebred bulls):		
Resold and/or reweighed through or by commission firms	1.75	1.90
* * * * *		
Calves (400 lbs. and under):		
Resold and/or reweighed through or by commission firms	.71	.78
* * * * *		
HOGS:		
Resold and/or reweighed through or by commission firms	.38	.44
* * * * *		
Sheep or Goats:		
Resold and/or reweighed through or by commission firms	.24	.28
* * * * *		

SECTION 3

DIRECT DELIVERY TO PACKERS

	Rate per head Present	Proposed
Cattle (except bulls)	$0.81	$0.91
Bulls (600 lbs. and over)	1.14	1.24
Calves (400 lbs. and under)	.46	.51
Hogs	.25	.29
Sheep or Goats	.16	.18

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, within 15 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of August 1964.

DONALD A. CAMPBELL,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-8030; Filed, Aug. 7, 1964; 8:51 a.m.]

Commodity Credit Corporation

PEANUTS

Program for Purchase From Shellers

Notice is hereby given that Commodity Credit Corporation, in connection with its 1964-crop peanut price support program carried out pursuant to the provisions of the Agricultural Act of 1949, as amended, anticipates entering into contracts under which it will purchase 1964-crop peanuts from domestic peanut shellers who cooperate in the program. Information regarding this purchase program and the forms necessary for participating therein may be obtained from the GFA Peanut Association, Camilla, Georgia; Southwestern Peanut Growers Association, Gorman, Texas; Peanut Growers Cooperative Marketing Association, Franklin, Virginia; or the Director, Producer Associations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250. Any sheller who wishes to take part in the program should submit his Sheller's Offer to Participate, Form CCC-1003 (1964), so as to be received by one of the above-named associations, or by the Director, Producer Associations Division, not later than August 14, 1964. If the Executive Vice President, Commodity Credit Corporation, determines that, on the basis of offers received on or before said date, sheller participation is adequate to achieve program purposes, Commodity Credit Corporation will accept shellers' offers, thereby entering into binding contracts with participating shellers.

Signed at Washington, D.C., on August 5, 1964.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-8031; Filed, Aug. 7, 1964; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

FOREIGN TRADE STATISTICS

System of Classification for Reporting Exports

Notice is hereby given that pursuant to the provisions of Chapter 9 of Title 13 U.S. Code (76 Stat. 951; 13 U.S.C. 301-307) the Bureau of the Census is considering the adoption, effective January 1, 1965, of a system of classification of commodities for the reporting of exports from the United States which will replace the present Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States. This classification system will govern the reporting of commodity information on Shipper's Export Declarations, as required by the regulations for the collection of foreign trade statistics set forth in 15 CFR 30.1 through 30.95, specifically § 30.7(1), and the Schedule explained in § 30.92.

The proposed new classification system is based on the Standard International Trade Classification. Copies of the proposed commodity classification in the form of Public Bulletin B-8 are being sent to all subscribers to Schedule B and are also available to other interested persons on request from the Foreign Trade Division, Bureau of the Census, Washington, D.C., 20233.

All persons who wish to submit written data, views, or arguments on the proposed change in the classification system should file the same with the Foreign Trade Division, Bureau of the Census, Department of Commerce, Washington, D.C., 20233, not later than August 15, 1964. It is not contemplated that a hearing will be held.

R. M. SCAMMON,
Director, Bureau of the Census.

I concur:

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-8008; Filed, Aug. 7, 1964; 8:49 a.m.]

Maritime Administration

[Report No. 37]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through July 24, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY, NAME OF SHIP	Gross tonnage
Total—All flags (240 ships)	1,767,409
British (89 ships)	716,828
Amalia	7,189
Amazon River	7,234
Ardenode	7,036
Ardgem	6,981
Ardmore	4,664
Ardrowan	7,300
Ardsirod	7,025

FLAG OF REGISTRY, NAME OF SHIP—Continued

British—Continued	Gross tonnage
**Arlington Court (now Southgate—British flag).	
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Beech Hill	7,150
Canuk Trader	7,151
Cedar Hill	7,156
Chipbee	7,271
**Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag).	
Dairen	4,939
Denmark Hill	7,150
East Breeze	8,708
Eastfortune	8,789
Eirini	7,402
Elm Hill	7,125
Free Enterprise	6,807
Free Merchant	5,237
Garthdale	7,542
Grosvenor Mariner	7,026
Hazelmoor	7,907
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag)	7,201
Kinross	5,388
**Kirriemoor (now Jhelum—Pakistani flag)	5,923
La Hortensia	9,486
Linkmoor	8,236
London Endurance (Tanker)	10,081
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Majesty (Tanker)	12,132
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
Maple Hill	7,139
Maratha Enterprise	7,166
Mulberry Hill	7,121
Muswell Hill	7,131
Nancy Dee	6,597
Newdene	7,181
Newforest	7,185
Newgate	6,743
Newgrove	7,172
Newheath	5,891
Newhill	7,855
Newlane	7,043
*Newmeadow	5,654
Oak Hill	7,139
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Peony	9,037
Redbrook	7,388
Ruthy Ann	7,361
Sandsend	7,236
Santa Granda	7,229
Sea Coral	10,421
Sea Empress	10,074
Shienfoon	7,127
Shun Fung	7,148
Soclyve	7,291
**Southgate (trip to Cuba under ex-name, Arlington Court—British flag)	9,662
Stanwear	8,108
Streatham Hill	7,130
Sudbury Hill	7,140
Suva Breeze	4,970
Swift River	7,251
Sycamore Hill	7,124

*Added to Report No. 36, appearing in the FEDERAL REGISTER issue of July 24, 1964.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

British—Continued	Gross tonnage
Thames Breeze	7,878
**Timios Stavros (previous trips to Cuba under Greek flag)	5,269
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M.	7,237
Greek (43 ships)	342,576
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
**Ambassade (sold Hongkong ship breakers)	8,600
Americana	7,104
Anacreon	7,359
Anatoli	7,178
**Andromachi (trips to Cuba under ex-name, Penelope—Greek flag).	
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
**Embassy (broken up)	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
Gloria	7,128
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
Mastro-Stelios II	7,282
**Nicolaos F. (trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag).	
**Nicolaos Frangistas (now Nicolaos F.—Greek flag)	7,199
**Pamit (now Christos—Lebanese flag)	3,929
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek flag)	6,712
Perseus (Tanker)	15,852
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
**Presvia (broken up)	10,820
Propontis	7,128
Proteus (Tanker)	16,718
Redestos	5,911
**Seirios (sold Japanese ship breakers)	7,239
Sirius (Tanker)	16,241
**Stylianos N. Vlassopulos (now Plate Trader—Greek flag)	7,244
**Timios Stavros (now British flag).	
Tina	7,362
Western Trader	9,268
Lebanese (54 ships)	359,698
Agia Sophia	3,106
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Al Amin	7,186
Alaska	6,989
Anthas	7,044
Antonis	6,259
Ares	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324

FLAG OF REGISTRY, NAME OF SHIP—Continued

Lebanese—Continued	Gross tonnage
Athamas	4,729
Carnation	4,884
**Christos (trip to Cuba under ex-name, Pamit—Greek flag).	
Claire	5,411
Cris	6,032
Dimos	7,187
Free Trader	7,067
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Kapetanissa	7,281
*Katerina	9,357
Leftric	7,176
Malou	7,145
Mantric	7,255
Marichristina	7,124
Marymark	4,383
Mersinidi	6,782
Mimosa	7,314
Mousse	6,984
Nictric	7,296
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San George	7,267
San John	5,172
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Theologos	6,529
Toula	4,561
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanxilas	10,051
Polish (13 ships)	87,426
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Italian (10 ships)	89,377
Achille	6,950
*Agostino Bertani	8,330
Andrea Costa (Tanker)	10,440
Aspromonte	7,154
Giuseppe Giulietti (Tanker)	17,519
Montiron	1,595
Nazareno	7,173
Nino Bixio	8,427
San Nicola (Tanker)	12,461
Santa Lucia	9,278
Yugoslav (7 ships)	49,926
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
*Mojkovac	7,125
Promina	6,960
**Trebisnjica (wrecked)	7,145

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Spanish (5 ships)	6,193
Escorpion	999
Sierra Andia	1,596
*Sierra Aranzazu	1,600
Sierra Madre	999
Sierra Maria	999
Norwegian (4 ships)	34,503
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
**Tine (now Jezreel—Panamanian flag)	4,750
French (5 ships)	14,848
Circe	2,874
Enee	1,232
**Guinee (now Comfort, Chinese "Formosa" flag)	3,048
Mungo	4,820
Nelee	2,874
Moroccan (5 ships)	35,828
Atlas	10,392
Banora	3,082
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Swedish (3 ships)	17,123
*Amfred	2,828
**Atlantic Friend (now Atlantic Venture—Liberian flag)	7,805
Dagmar	6,490
Finnish (1 ship):	
Valny (Tanker)	11,691
Kuwaiti (1 ship):	
*Maha	1,392
Chinese (Formosa):	
**Comfort (trip to Cuba under ex-name, Guinee—French flag).	
Liberian:	
**Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag).	
Panamanian:	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag).	
Pakistani:	
**Jhelum (trip to Cuba under ex-name, Kirriemoor—British flag).	

*Added to Report No. 36, appearing in the FEDERAL REGISTER issue of July 24, 1964.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

	Gross tonnage
Italian (1 ship):	
Airone	6,969
Spanish (1 ship):	
Castillo Ampudia	3,566

b. Previous reports:

Flag of registry:	Number of ships
British	11
Danish	1
German (West)	1
Greek	16
Italian	4
Japanese	1
Norwegian	2

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through July 24, 1964:

Flag of registry	Number of trips									
	1963		1964							
	Jan.–June	July–Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Total
British	66	67	15	7	21	20	18	17	9	240
Greek	55	44	1	5	3		6			114
Lebanese	23	36	6	4	13	8	8	9	6	118
Italian	10	6	1		1	3	1	4		26
Norwegian	9	5	2	1		1	2	1		21
Spanish	2	6		3		3		2	2	18
Yugoslav	6	6	1	1	1	1			2	18
Moroccan	2	7		2			2	1	2	16
French		8				1			2	11
Swedish	2	1						2		5
Danish	1									1
Finnish	1									1
German (West)	1									1
Japanese	1									1
Kuwaiti									1	1
Subtotal	184	186	26	23	39	37	37	36	24	592
Polish	10	8	1	3	1	2		1	1	27
Grand total	194	194	27	26	40	39	37	37	25	619

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: July 29, 1964.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 64-7997; Filed, Aug. 7, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-82; NDA No. 11-311]

BARIATRIC CORP.

Notice of Postponement of Hearing re Neo-Barine Tablets

On August 3, 1964, at the prehearing conference in the referenced matter, held pursuant to notice published in the FEDERAL REGISTER of July 15, 1964 (29 F.R. 9572), the Bariatric Corporation, Coral Gables, Florida, requested a postponement of the hearing presently scheduled to commence on August 10, 1964, in order to have more time in which to adequately prepare for the hearing. Upon the arguments and representations advanced by counsel and pursuant to sec. 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the New Drug Regulations set forth in 21 CFR Part 130:

It is ordered, That the hearing in the referenced matter originally scheduled to begin on August 10, 1964, is postponed to commence at 10:00 o'clock in the forenoon on August 24, 1964, in Room 5131, North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C.

Dated: August 3, 1964.

WILLIAM E. BRENNAN,
Hearing Examiner, Food and Drug Administration, Department of Health, Education, and Welfare.

[F.R. Doc. 64-8009; Filed, Aug. 7, 1964; 8:49 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additives Boiler Water Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5A1492) has been filed by The Dow Chemical Company, Midland, Michigan, 48640, proposing an amendment to § 121.1088 to provide for the safe use of tetrasodium EDTA as a boiler water additive in the preparation of steam that will contact food.

Dated: July 31, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-8010; Filed, Aug. 7, 1964; 8:49 a.m.]

Office of the Secretary

CERTAIN DESIGNATED OFFICIALS

Delegation of Authority To Certify Copies of Documents

The Delegation of Authority to Certify copies of documents (28 F.R. 9402) is herby amended by deleting items 5.c. and 5.d., and by deleting in item 5.b.(1) "Administrative Officer, Office of the Director" and inserting in lieu thereof "Administrative Officer, National Center for Health Statistics, Office of the Surgeon General".

Dated: August 3, 1964.

RUFUS E. MILES, JR.,
Administrative Assistant Secretary.

[F.R. Doc. 64-8011; Filed, Aug. 7, 1964; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

AUGUST 4, 1964.

The following notice was issued by the Atomic Energy Commission and approved by the Director of the Bureau of the Budget.

FREDERICK T. HOBBS,
Acting Secretary to the Commission.

NOTICE OF ADOPTION OF VENDING OPERATIONS PROCEDURES

Notice is hereby given that the following procedures pertaining to vending operations on property owned or leased by the Atomic Energy Commission have been adopted in Atomic Energy Commission Manual Chapter 5301 pursuant to the Atomic Energy Act of 1954, as amended (Public Law 703, 83d Congress) and the Randolph-Sheppard Vending Stand Act, as amended (Public Law 732, 74th Congress).

AEC Manual Appendix 5301, Part V, Section C.

1. *Statutory Requirement.*

Congress has directed that blind persons licensed by State agencies under the provisions of the Randolph-Sheppard Vending Stand Act be authorized, and, so far as feasible, be given preference to operate vending stands on any Federal property where such vending stands may be properly and satisfactorily operated by blind persons. The Act also directs the head of each agency in control of the maintenance, operation, and protection of Federal property to prescribe regulations, after consultation with the Secretary of Health, Education, and Welfare, and with the approval of the President, to assure that preference, including the assignment of vending machine income to achieve and protect that preference.

2. *Practice.*

(a) This section C of Part V of AECM Appendix 5301 establishes AEC practice for carrying out the statutory requirement for providing blind persons with the opportunity to operate vending stands (including vending machines) on AEC property where such vending stands may be properly and satisfactorily operated by blind persons.

(b) When the operation of a vending stand is determined to be necessary or desirable on AEC property, it is the practice of the AEC to authorize the operation of such a vending stand by the blind, without charge for building facilities or necessary utilities, and such other services as AEC may wish to furnish.

3. *Definitions.*

(a) Act means the Randolph-Sheppard Vending Stand Act (Public Law 732, 74th Congress, 49 Stat. 1559, as amended by Public Law 565, 83d Congress, 68 Stat. 663; 20 U.S.C. 107–107f).

(b) Federal Property means any building, land, or other real property, owned, leased, or occupied by the United States.

(c) AEC property means any real property which is owned or leased by the United States and which the AEC or its contractors maintain, operate, and protect. "AEC property" also includes real property which AEC occupies under a special permit or other arrangement, provided, however, that the proposed use by others of a portion of such space is consistent with the terms and conditions of the permit or other arrangement. AEC property does not include property leased or licensed to private enterprises by the AEC for other than vending stand purposes.

(d) Vending stand means:

(1) Such shelters, counters, shelving, display and wall cases, refrigerating apparatus, and other appropriate auxiliary equipment as are necessary for the vending of such articles as may be approved in the permit to the state licensing agency by the AEC.

(2) Manual or coin-operated vending machines or similar devices for vending such articles, when such machines or devices are operated as adjuncts to the vending stand.

(e) State licensing agency means the State agency designated by the Commissioner of Vocational Rehabilitation, Department of Health, Education, and Welfare, pursuant to the Act, to issue licenses to blind persons for operation of vending stands on Federal properties.

(f) Licensed blind person means a blind person licensed by a State licensing agency to operate a vending stand on Federal property.

(g) Permit means the official authorization given by the AEC to the State licensing agency authorizing such agency to place a licensed blind person (or persons) on AEC property for the purpose of operating a vending stand.

(h) Manager for the purposes of these regulations means the manager of an AEC Field Office or the Director, Division of Headquarters Services.

4. *Issuance and Revocation of Permits.*

(a) The manager may issue a permit to any State licensing agency which makes application for a permit for the operation of a vending stand by a licensed blind person.

(b) The application of a State licensing agency for a permit may be denied or revoked if the Manager determines that the interest of the United States would be adversely affected or the Atomic Energy Commission unduly inconvenienced by its issuance or continuance. Loss of revenue by reason of granting a rent-free permit for operation of a vending stand by a licensed blind person shall not be a basis for denying the permit. However, where the granting or continuance of a permit would result in substantial additional costs to the Government (other than for utilities, alterations, etc.), such costs are for consideration as a basis for denial or revocation of a permit. The applicant shall be advised of the reasons for any denial or revocation of a permit.

5. *Provisions of the Permit.*

(a) Standards: The permit shall be conditioned upon the vending stand meeting specified standards relating to appearance, safety, sanitation, and efficiency of operation, with due regard to provisions of laws and regulations for the public welfare which are applicable, or would be applicable if the property involved were not under the jurisdiction of the Federal Government.

(b) Type of articles which may be sold shall be specified in the permit and shall be in conformance with paragraph 6 hereof.

(c) Location of the vending stand proper and of vending machines to be operated on the property shall be described in the permit. Where feasible, each vending stand should be located in a room affording easy access to potential patrons.

(d) Damage to property: The permit shall also contain adequate provisions to prevent material defacement or damage to property, including a provision that any alterations to be made by other than the United States, shall be made only with the approval and under the supervision of the AEC.

(e) Security: The permit shall include a provision that, where applicable, all AEC security regulations shall apply.

(f) Compliance: The permit shall provide that the State licensing agency is responsible for assuring compliance with the permit by the licensed operator.

(g) General: The permit should contain any other reasonable conditions for the protection of the Government and the prospective patrons of the vending stand, including, where appropriate, a requirement for public liability insurance when food and beverages are prepared on the premises. However, no condition should be imposed which would require a vending stand to provide a service not usually associated with such stands.

6. *Types of articles sold.*

The types of articles which may be sold are specified in section 2(a)(4) of the Act as newspapers, periodicals, confections, tobacco products, articles dispensed automatically or in containers or wrapping in which they are placed before receipt by the vending stand. In addition, there may be sold such other articles as the manager and the State licensing agency approve.

7. *Restriction on arrangements other than for blind operation.*

(a) No permit, lease, or other arrangement for the operation of a vending stand shall be entered into or renewed without first consulting the State licensing agency, unless the manager determines that the interest of the United States would be adversely affected or the AEC unduly inconvenienced by the issuance of a permit for the operation of a vending stand by a licensed blind person.

(b) After a permit to operate a vending stand is in effect, no article shall be offered for sale on the property (through over-the-counter sales, by vending machine, or otherwise) which competes with articles approved for sale under the permit. This shall not be construed as preventing a cafeteria or restaurant from selling articles of a type considered as food and usually sold as part of a meal, nor shall it prevent the sale of articles by vending machines. However, income from any machines which are located within reasonable proximity to and are in direct competition with a vending stand for which a permit has been issued shall be assigned to the operator of such stand. If a vending machine vends articles of a type authorized by the permit and is so located that it attracts customers who would otherwise patronize the vending stand, such machine is considered to be "in reasonable proximity to and in direct competition with the stand."

8. *Termination of other existing arrangements for vending stands.*

(a) When a permit is issued to a State licensing agency for operation of a vending stand on any property location, steps shall be taken to terminate any existing arrangement for the sale of articles (by other than a licensed blind person) specified in paragraph 6 hereof. Notice of such termination should be given in accordance with the terms of the existing arrangement. If no notice is provided for, a reasonable notice of termination should be given.

(b) In applying this requirement, arrangements with the nonlicensed vendor and the State licensing agency should be directed toward preventing or keeping to a minimum, interruption of vending stand service.

9. *Disagreements, Noncompliance with Permit, etc.*

(a) In the event that the manager and the State licensing agency fail to reach agreement concerning (1) the granting of a permit, (2) the revocation or modification of a permit, (3) the suitability of the stand location, (4) the assignment of vending machine proceeds, (5) the methods of operation of the stand, or (6) other terms of the permit (including articles which may be sold), the manager shall advise the State licensing agency that it may present information to, and file an appeal with, the Assistant General Manager for Operations.

(b) Upon appeal by a State licensing agency a full investigation shall be undertaken by the Assistant General Manager for Operations. The Assistant General Manager for Operations shall require the manager from whose decision the appeal is taken to submit a full report on all relevant information and shall afford the State licensing agency taking the appeal an opportunity to present such information as it deems pertinent.

(c) The Assistant General Manager for Operations shall render a decision, in writing, within ninety days from the date the appeal is received. Such decision shall constitute the final decision of the Commission. The Assistant General Manager for Operations shall notify the state licensing agency, the appropriate manager, and the Department of Health, Education, and Welfare of the decision rendered on appeal.

10. *Installation and Operation of Vending Machine by Other Than the Blind.*

Vending machines which are not involved in the operation of a vending stand by the blind may be installed and operated on AEC-owned or -leased property under the following circumstances:

(1) *Installation by Employee Groups.* Subject to the approval of the manager, recognized employee organizations of the AEC and of its contractors may install and operate, or arrange for the installation and operation of a reasonable number of vending machines on premises owned or leased by the AEC and retain the proceeds thereof as recreation and welfare funds for the benefit of employees. Approvals shall be given only when it is determined by the manager that such installation and operation will not interfere with Governmental use of the property and that the vending machines are reasonably required for the convenience of the employees of the Government or of the contractor. Such approvals shall be subject to termination at any time by the Government and shall not obligate the Government or contractors in any manner whatever.

(2) *Installation by AEC or contractors.* Managers and AEC contractors may also make direct arrangements for the installation and operation of vending machines on premises owned or leased by the AEC when it is determined by the manager that such installation and operation will not interfere with Government use of the property and that vending machines are reasonably required for the convenience of employees of the Government or the contractor. Such arrangements shall be subject to termination at any time by the AEC. Revenues which accrue from the installation and operation of vending machines by the AEC or its contractors shall be disposed of in accordance with AECM Section 1120-04.

Dated at Germantown, Md., this 29th day of May 1964.

For the U.S. Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

Approved:

KERMIT GORDON,
Director, Bureau of the Budget.

[F.R. Doc. 64-8053; Filed, Aug. 7, 1964; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 15151]

EASTERN'S SERVICE TO FLORENCE, S.C.

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter, now scheduled for August 13, 1964, is postponed to August 19, 1964, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., August 5, 1964.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 64-8018; Filed, Aug. 7, 1964; 8:50 a.m.]

[Docket 14934]

WEST COAST RENEWAL OF SEGMENT

Notice of Hearing

In the matter of the application of West Coast Airlines, Inc., for amendment of its certificate of public convenience and necessity, renewal of Segment 1(b):

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on August 26, 1964, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Madden

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on June 5, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 5, 1964.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 64-8019; Filed, Aug. 7, 1964; 8:50 a.m.]

CIVIL SERVICE COMMISSION

PROFESSIONAL ENGINEERS ET AL.

Increase in Special Pay Ranges

1. Under authority of section 504 of the Federal Salary Reform Act of 1962 and Executive Order 11073, the Civil Service Commission has determined that the minimum rates and rate ranges will be adjusted on the effective date of the Classification Act salary schedule provided in the Federal Employees Salary Act of 1964 as follows:

a. (1) For the following occupations on a worldwide basis: All professional series in the GS-800 Engineering Group.

The following science series and specializations:

GS-015	Operations Research.[1]
GS-1221	Patent Adviser.
GS-1224	Patent Examining.
GS-1301.1	Physical Science Subseries.
GS-1306	Health Physics.
GS-1310	Physics.
GS-1313	Geophysics (Seismology).
GS-1313	Geophysics (Geomagnetics).
GS-1313	Geophysics (Earth Physics).
GS-1315	Hydrology.
GS-1320	Chemistry.
GS-1321	Metallurgy.
GS-1330	Astronomy and Space Science.
GS-1340	Meterology.
GS-1360	Oceanography.[2]
GS-1372	Geodesy.
GS-1380	Forest Products Technology.
GS-1390	Technology, in the following specializations:
	Rubber.
	Plastics.
	Rubber and Plastics.
	Aviation Survival Equipment.
	Industrial Radiography.
	Packaging and Preservation.
	Photographic Equipment.
GS-1510	Actuary.
GS-1520	Mathematics.
GS-1529	Mathematical Statistics.
GS-690	Industrial Hygiene Series

(2) Minimum rates:

Grade:	*New special minimum will be equal to the following rate in the new statutory schedule*
GS-5	7th rate
GS-6	6th rate
GS-7	6th rate
GS-8	4th rate
GS-9	3rd rate
GS-10	2nd rate
GS-11	2nd rate

b. (1) For the following occupations on a worldwide basis:

GS-602 Medical Officers under the Classification Act

(2) Minimum rates:

Grade:	*New special minimum will be equal to the following rate in the new statutory schedule*
GS-11	7th rate
GS-12	7th rate
GS-13	7th rate
GS-14	5th rate
GS-15	2nd rate

c. (1) For the following occupation in Houston, Texas:

GS-861 Aerospace Engineer and Pilot

(2) Minimum rates:

Grade:	*New special minimum will be equal to the following rate in the new statutory schedule*
GS-13	3rd rate
GS-14	2nd rate

[1] Rates do not apply at grades 5 through 8.

[2] Special rates may be paid only to employees in positions properly placed in this series under the classification standards dated August 1963. Special rates will, however, be continued for positions classified in Oceanography (Physical) until the new standards can be applied.

2. Corresponding increases are made in the other rates of the rate ranges.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-8006; Filed, Aug. 7, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 64-CE-3]

DETROIT EDUCATIONAL TELEVISION FOUNDATION

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (CE-OE-5234) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Detroit Educational Television Foundation, Detroit, Michigan, proposes to construct a television antenna structure at latitude 42°29'20" north, longitude 83°18'30" west, near Franklin, Mich. The overall height of the structure would be 1,749 feet above mean sea level (1,044 feet above ground).

The structure would exceed the standards for determining hazards to air navigation in § 77.23(a)(2) of the Federal Aviation Regulations by 844 feet since it would be more than 200 feet high within the boundaries of a Federal airway.

The study disclosed that the proposed structure would be located in an area where there are existing structures of like height which are well defined on aeronautical charts. At this location, it would have no greater an effect upon aeronautical operations and would conform to the Agency concept of grouping structures of this type to minimize their effect upon aviation.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on July 30, 1964.

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64-7967; Filed, Aug. 7, 1964; 8:45 a.m.]

[OE Docket No. 64-CE-4]

MIDCONTINENT BROADCASTING COMPANY OF WISCONSIN, INC.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (CE-OE-5348) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Midcontinent Broadcasting Company of Wisconsin, Inc. (WKOW-TV), Madison, Wis., proposes to construct a television antenna structure within 200 to 300 feet of their present structure at latitude 43°03'09" north, longitude 89°-28'38" west, near Madison, Wis. The overall height of the structure would be 2,249 feet above mean sea level (1,169 feet above ground).

The proposed structure would be located approximately 3.1 miles, 5 miles and 9 miles from the Mohs Seaplane Base, Morey Airport, and Traux Airport, Madison, Wis., respectively. It would exceed the standards for determining hazard to air navigation as defined in §§ 77.-25(b)(1) (conical surface) and 77.25(c)(2) and (1) (outer horizontal surface), of the Federal Aviation Regulations as applied to the above airports by 1,117 feet, 821 feet, and 890 feet, respectively; and § 77.23(a)(1) by 669 feet as it would be more than 500 feet above ground at the site of construction.

The proposed tower would be located in proximity to other tall structures, the tallest of which is 2,227 feet AMSL. The aeronautical study disclosed the location and height of this tower in relation to existing towers to be consistent with the antenna farm area concept. It was further disclosed the structure would not have a substantial adverse effect upon VFR aeronautical operations in the Madison area and would not require a change in any instrument flight rules minimum altitude or procedure.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on July 30, 1964.

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64-7968; Filed, Aug. 7, 1964; 8:45 a.m.]

[OE Docket No. 64-EA-5]

OHIO VALLEY CABLE CORP.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (EA-OE-4817) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Ohio Valley Cable Corporation, Marietta, Ohio, proposes to construct a television receiving antenna structure at latitude 39°28'07" north, longitude 81°27'30" west, near Marietta, Ohio. The overall height of the structure would be 1,408 feet above mean sea level (500 feet above ground).

The structure would be located approximately nine miles north of the Wood County Airport, Parkersburg, W. Va., and would exceed the standards for determining hazards to air navigation as defined in § 77.25(c)(1) (outer horizontal surface) of the Federal Aviation Regulations by 50 feet as applied to the airport. It would be within the boundaries of VOR Federal airways Nos. 33 and 59 and would exceed the standards in § 77.23(a)(2) by 300 feet since it would be more than 200 feet above ground.

The aeronautical study disclosed that the proposed structure would not require an increase in the instrument flight rules minimum en route altitude on V-33 and V-59 and would not adversely affect instrument approach procedures to the Wood County Airport.

The structure would be located in proximity to a VFR route used by Wood County Airport departures proceeding directly north to intercept V-33. However, the study disclosed that the structure would have no substantial adverse effect upon this route since the affected flights could, when necessary due to marginal weather conditions, bypass the structure by proceeding direct to the Parkersburg VOR. In addition, the structure would be located approximately ¾ of a mile east of De Vola, Ohio, and 2½ miles north of the City of Marietta,

which lies between the Wood County Airport and the site of the proposed tower. Therefore, the operational altitude of aircraft flying the VFR route would be influenced by the height of structures in the congested areas and would be expected to be well above the height of the proposed structure.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on July 31, 1964.

GEORGE R. BORSARI,
Chief
Obstruction Evaluation Branch.

[F.R. Doc. 64–7969; Filed, Aug. 7, 1964; 8:45 a.m.]

[OE Docket No. 64–CE–6]

UNITED STATES AIR FORCE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (CE–OE–5249) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The U.S. Air Force, Headquarters Electronics Systems Division (AFSC), Bedford, Massachusetts, proposes to construct a guyed antenna tower at latitude 41°20'33" north, longitude 97°43'33" west, near Silver Creek, Nebr. The overall height of the structure would be 2,765 feet above mean sea level (1,200 feet above ground).

The proposal as originally circularized and discussed in FAA's Central Regional Airspace Meeting No. 43 located the structure at latitude 41°20'18" north, longitude 97°42'48" west, with an overall height of 2,750 feet AMSL (1,200 feet AGL). Subsequent to the airspace meeting, the proponent determined the site and height would be that stated above.

It would be located on VOR Federal airway No. 172, approximately 33 miles east of the Wolbach, Nebr., VORTAC, and would exceed the standards for determining hazards to air navigation as defined in Section 77.23(a)(2) of the Federal Aviation Regulations by 1,000 feet as applied to the airway.

The aeronautical study disclosed that the proposed structure would require an increase from 3,100 feet to 3,800 feet in the minimum obstruction clearance altitude (MOCA) on V–172 between Wolbach, Nebr., VORTAC, and the Kennard, Nebr., Intersection. The increase in MOCA would have no substantial adverse effect on instrument flight rule operations, since the minimum en route altitude is 3,800 feet and there are no plans for the use of the lower altitudes.

The study further disclosed that the proposed structure would have no substantial adverse effect upon visual flight rules operations since it would not be located in proximity to any airport and would be clear of the only VFR route in the area. The structure would be approximately 7.4 miles northeast of Carlson (private) Airport, approximately 21 miles southwest of the Columbus Municipal Airport, and approximately 38 miles northeast of the Grand Island Municipal Airport. The VFR route lies between Columbus and Grand Island, Nebr., and is defined by a prominent railroad, highway and river. The structure would be approximately 3.3 miles north of the railroad, the northernmost of the landmarks, which would be used as visual aids. Aircraft operating VFR in marginal weather conditions would remain as close as possible to visual references which in this instance would provide three miles clearance from the proposed structure. Furthermore if weather conditions are such that flight could be conducted with visual reference to the railroad and in the vicinity of the tower, the visibility would be such that the tower could be seen and avoided. In addition, Agency statistics on VFR flight plans do not indicate that the area of the proposed structure is extensively used by low altitude VFR aircraft.

In the course of aeronautical studies, the Agency as a matter of policy, explores the possibility of locating such structures adjacent to others of similar heights. The study disclosed that the antenna farm area concept was not applicable in this case as the location of the tower within 13.5 miles of an adjacent station would threaten system performance.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on July 30, 1964.

GEORGE R. BORSARI, *Chief,*
Obstruction Evaluation Branch.

[F.R. Doc. 64–7970; Filed, Aug. 7, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13914, FCC 64–719]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Relating to Regulations and Charges for Wide Area Telephone Service (WATS)

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1964;

The Commission having under consideration the record in this proceeding concerning American Telephone and Telegraph Co. regulations and charges for Wide Area Telephone Service (WATS) and particularly the order instituting this investigation, FCC 61–61 released January 13, 1961, and published at 26 F.R. 378, as supplemented or revised by FCC 61M–86 published at 26 F.R. 760, FCC 61M–151 published at 26 F.R. 1102, and FCC 61M–200 published at 26 F.R. 1251;

It appearing, that the procedures prescribed by previous orders provide that the presiding officer at the hearings for the receipt of evidence should certify the record to the Commission for decision without preparing either an initial decision or a recommended decision; and

It further appearing, that the presiding officer, pursuant to these established procedures, has certified the record of the hearings for decision but that no decision has been issued by the Commission.

It is ordered, That the procedures and particularly those established by FCC 61–61, 26 F.R. 378, are revised to direct the Chief, Common Carrier Bureau, to prepare and issue a recommended decision which shall become a part of the record; and:

It is further ordered, That the parties shall have the opportunity to submit for the consideration of the Commission exceptions to the recommended decision issued by the Chief, Common Carrier Bureau, or a statement in support of the recommended decision in whole or in part, with supporting reasons for such exceptions or statement, which exceptions or statement shall be filed within 30 days after the date on which public release of the full text of the recommended decision is made and the further procedures shall be pursuant to 47 CFR

Part 1 as though the Commission had initially decided the case.

Released: August 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-8022; Filed, Aug. 7, 1964; 8:50 a.m.]

[Docket No. 15471; FCC 64M-745]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone and Telegraph Co., Docket No. 15471, charges for special construction over other than normal routes.

On August 3, 1964, American Telephone and Telegraph Co. filed a motion to postpone hearing because an AT&T witness is involved in another proceeding and would find it difficult to prepare for the present case. Counsel for the Common Carrier Bureau and the Department of Defense have no objection to the requested postponement.

Accordingly, it is ordered, This 4th day of August 1964, that the motion is granted; the time by which AT&T shall furnish its direct written case is extended from September 14 to October 26, 1964; and the hearing is rescheduled from September 29 to November 16, 1964.

Released: August 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-8023; Filed, Aug. 7, 1964; 8:50 a.m.]

[Docket Nos. 15587, 15588; FCC 64M-749]

COMMUNITY RADIO OF SARATOGA SPRINGS, NEW YORK, INC., AND A. M. BROADCASTERS OF SARATOGA SPRINGS, INC.

Order Scheduling Hearing

In re applications of Community Radio of Saratoga Springs, New York, Inc., Saratoga Springs, N.Y., Docket No. 15587, File No. BP-16127; A. M. Broadcasters of Saratoga Springs, Inc., Saratoga Springs, N.Y., Docket No. 15588, File No. BP-16185; for construction permits.

It is ordered, This 4th day of August 1964, that Isadore A. Honig shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on October 20, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on September 23, 1964: *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: August 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-8024; Filed, Aug. 7, 1964; 8:50 a.m.]

[Docket Nos. 15589, 15590; FCC 64M-751]

D & F BROADCASTING CO. AND RADIO MONTICELLO

Order Scheduling Hearing

In re applications of Robert E. Dobelstein and W. F. Fowler d/b as D & F Broadcasting Co., Quincy, Fla., Docket No. 15589, File No. BP-15508; William S. Dodson tr/as Radio Monticello, Monticello, Fla., Docket No. 15590, File No. BP-15730; for construction permits.

It is ordered, This 4th day of August 1964, that Sol Schildhause shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on October 21, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on September 24, 1964: *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: August 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-8025; Filed, Aug. 7, 1964; 8:50 a.m.]

[Docket Nos. 15591, 15592; FCC 64M-747]

NELSON BROADCASTING CO. AND WBNR, INC.

Order Scheduling Hearing

In re applications of Donald P. Nelson and Wilbur E. Nelson d/b as Nelson Broadcasting Company, Newburgh, N.Y., Docket No. 15591, File No. BPH-4212; WBNR, Inc., Newburgh, N.Y., Docket No. 15592, File No. BPH-4300; for construction permits.

It is ordered, This 4th day of August 1964, that Forest L. McClenning shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on October 15, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on September 17, 1964: *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: August 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-8026; Filed, Aug. 7, 1964; 8:51 a.m.]

[Docket No. 14198; FCC 64M-746]

PAN AMERICAN UNION ET AL.

Order Scheduling Hearing

In the matter of the Pan American Union and the Pan American Sanitary Bureau; v. All America Cables and Radio, Inc., the Commercial Cable Company, Mackay Radio and Telegraph Company, Inc., RCA Communications, Inc., Tropical Radio Telegraph Company, and the Western Union Telegraph Company, Docket No. 14198.

It is ordered, This 4th day of August 1964, that Herbert Sharfman shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on October 5, 1964; and that a prehearing conference shall be convened at 10:00 a.m. on September 11, 1964: *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: August 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-8027; Filed, Aug. 7, 1964; 8:51 a.m.]

[Docket Nos. 15593, 15594; FCC 64M-750]

ST. ALBANS-NITRO BROADCASTING CO. AND WCHS-AM-TV CORPORATION

Order Scheduling Hearing

In re applications of St. Albans-Nitro Broadcasting Co., St. Albans, W. Va., Docket No. 15593, File No. BPH-4146; WCHS-AM-TV Corporation, Charleston, W. Va., Docket No. 15594, File No. BPH-4332; for construction permits.

It is ordered, This 4th day of August 1964, that Thomas H. Donahue shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on October 12, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on September 17, 1964; *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: August 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-8028; Filed, Aug. 7, 1964; 8:51 a.m.]

[Docket Nos. 15595-15597; FCC 64M-748]

WPFA RADIO, INC., ET AL.

Order Scheduling Hearing

In re applications of WPFA Radio, Inc., Springfield, Ill., Docket No. 15595, File No. BPH-4265; WTAX, Inc. (WTAX), Springfield, Ill., Docket No. 15596, File No. BPH-4314; Harold J. Hoskins, John H. Johnson, W. F. Wingerter, and R. W. Deffenbaugh, d/b as Capital Broadcasting Co., Springfield, Ill., Docket No. 15597, File No. BPH-4337; for construction permits.

It is ordered, This 4th day of August 1964, that Chester F. Naumowicz, Jr., shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on October 12, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on September 23, 1964: *And it is further ordered,* That all pro-

ceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: August 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-8029; Filed, Aug. 7, 1964; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

TRANS WORLD SHIPPING CORP. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Trans World Shipping Corp., New York, N.Y., is party to the following agreements whereunder forwarding and service fees are to be divided as agreed. Ocean freight compensation is to be divided between the parties as agreed. The other parties are:

Albury & Co., Miami, Fla.---------- FF-1611
J. Ashton Greene, New Orleans, La.- FF-1612

Sockrider Forwarding Co., Lake Charles, La., is party to the following agreements, the terms of which are identical. The other parties are:

Hugo Zanelli & Co., Houston, Tex.-- FF-1613
Magnolia Forwarding Co., New Orleans, La.---------- FF-1614
Maher & Co., New Orleans, La.------ FF-1615
Patrick & Graves, Houston, Tex.--- FF-1616
W. R. Zanes & Co. of La., Inc., New Orleans, La.---------- FF-1617
R. F. Downing & Co., Inc., New York, N.Y.---------- FF-1627

Dixie Forwarding Co., Inc., Houston, Tex., is party to the following agreements, the terms of which are identical. The other parties are:

Morris Friedman & Co., Philadelphia, Pa.---------- FF-1618
Glen Shipping Co., New York, N.Y.- FF-1619
Encargos International, New York, N.Y ---------- FF-1620
Trans World Shipping Corp., New York, N.Y.---------- FF-1621
Skyline Shipping Corp., New York, N.Y ---------- FF-1622
Jahrett Shipping, Inc., New York, N.Y ---------- FF-1623
United States Forwarding Corp., New York, N.Y.---------- FF-1624
Seaway Forwarding Co., Cleveland, Ohio ---------- FF-1625
Triangle Forwarding Corp., New York, N.Y.---------- FF-1626

The following agreements have similar terms:

Trade-Lanes Shipping Corp., New York, N.Y., and Ellis Forwarding Co., Houston, Tex.---------- FF-1628
J. B. Wood Shipping Co., Inc., New York, N.Y., and H. E. Schurig & Co., Inc., Houston, Tex.---------- FF-1629
Leyden Shipping Corp., New York, N.Y., and John J. Moylan & Co., Los Angeles, Calif.---------- FF-1630
American Union Transport, Inc., New York, N.Y., and The Interport Co., Chicago, Ill.---------- FF-1631
Dichmann, Wright & Pugh, Inc., Norfolk, Va., and Cavalier Shipping Co., Inc., Norfolk, Va.------ FF-1632
A. F. Burstrom & Son, Inc., Detroit, Mich., and Patrick & Graves, Houston, Tex.---------- FF-1633
E. Estrella & Co., Inc., New York, N.Y., and Palmetto Shipping Co., Inc., Charleston, S.C.---------- FF-1634
Sumter Marine Corp., Charleston, S.C., and J. R. Michels, Inc., Houston, Tex.---------- FF-1635
Geo. M. Leininger Co., Inc., New Orleans, La., and Presto Shipping Agency, Inc., New York, N.Y.---- FF-1636
R. W. Smith & Co., Houston, Tex., and Footner & Co., Inc., Baltimore, Md.---------- FF-1637
Stone Forwarding Co., Inc., Galveston, Houston, and Corpus Christi, Tex., and Brito Forwarding Co., Brownsville, Tex.---------- FF-1638
Paul A. Boulo, Mobile, Ala., and Robbins Forwarding Co., New York, N.Y.---------- FF-1639
Rohner, Gehrig & Co., Inc., New York, N.Y., and John A. Merritt & Co., Pensacola, Fla.---------- FF-1641
Berry & McCarthy Shipping Co., Inc., San Francisco, Calif., and Shipping Unlimited, New York, N.Y ---------- FF-1642
Jay International, Inc., Philadelphia, Pa., and Alba Forwarding Co., Inc., Chicago, Ill.---------- FF-1643
Francesco Parisi Midwest, Inc., Chicago, Ill., and Cosdel International Co., San Francisco, Calif.-- FF-1644
A. F. Burstrom & Sons, Inc., Detroit, Mich., and J. Ashton Greene, New Orleans, La.---------- FF-1645

Agreement No. FF-1640 between Lusk Shipping Co., Inc., New Orleans, La., and Godwin Shipping Co., Inc., Mobile, Ala., is a working arrangement whereunder forwarding and service fees are to be retained by the party accomplishing the service. Ocean freight compensation is to be divided between the parties equally. (50 percent/50 percent)

Agreement No. FF-1646 between Penson Forwarding Corp., New York, N.Y., and other branch offices, and H. E. Schurig & Co., Inc., Houston, Tex., is a working arrangement whereunder forwarding and service fees are to be divided as agreed. Ocean freight compensation is to be divided between the parties equally. (50 percent/50 percent)

Dated: August 5, 1964.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-8033; Filed, Aug. 7, 1964; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-281]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

AUGUST 3, 1964.

Take notice that on May 25, 1964, as supplemented on June 29, 1964, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida, filed in Docket No. CP64-281 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in order to sell and deliver natural gas on a direct preferred interruptible basis to International Minerals & Chemical Corporation (International) and on a direct firm and preferred interruptible basis to Ammonia, Inc. for use in their respective chemical and ammonia plants located at Bonnie, near Mulberry, Florida, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 1,152 feet of 4½-inch pipeline extending from Applicant's existing 8-inch Sarasota lateral line in Polk County, Florida, in a general westerly direction to said plants, together with the necessary metering and regulating facilities to render the proposed service.

Applicant states that the natural gas will be used by International for the production of diammonium phosphate to be marketed to the commercial fertilizer industry, and that Ammonia, Inc. will use natural gas for the production of the ammonia used in International's processing operations.

The application shows the estimated maximum daily and annual deliveries to International to be 4,000 M^2Btu and 1,095,000 M^2Btu, respectively, and to Ammonia, Inc. to be 7,000 M^2Btu and 2,044,000 M^2Btu, respectively. Of the volumes proposed for Ammonia, Inc. 900 M^2Btu per day and 328,000 M^2Btu annually will be sold on a direct firm basis.

The estimated cost of the proposed facilities is shown to be $34,000, which cost will be financed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that,

pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 24, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-7978; Filed, Aug. 7, 1964; 8:47 a.m.]

[Docket No. CP64-286]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

AUGUST 3, 1964.

Take notice that on June 2, 1964, Kansas-Nebraska Natural Gas Company, Inc. (Applicant) having its principal place of business at Phillipsburg, Kansas, filed in Docket No. CP64-286 an application pursuant to subsections (b) and (c) of section 7 of the Natural Gas Act for (1) permission and approval to abandon, remove and salvage approximately 10.5 miles of 6-inch pipeline lying south of Northport, Nebraska, and gas service therefrom will be severed; (2) for a certificate of public convenience and necessity to construct and operate 2.2 miles of 6-inch pipeline to parallel the existing 4-inch line in the Ovid, Colorado, lateral, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant states that the pipeline to be abandoned is deteriorated as to be uneconomical to operate because of leakage and that a 10-inch line which has been constructed serves the customers and purposes formerly served by this line.

Applicant further states that the facilities to be constructed are necessary to enable it to increase delivery of gas to Ovid, Colorado, where the gas will be consumed by its existing customer, The Great Western Sugar Company, in its new pulp dryer.

The estimated cost of the proposed new facilities is $26,000 and will be financed from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 24, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-7980; Filed, Aug. 7, 1964; 8:47 a.m.]

[Project No. 2474]

NIAGARA MOHAWK POWER CORP.

Notice of Application for License

AUGUST 3, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Niagara Mohawk Power Corporation (Correspondence to: Lauman Martin, Vice President and General Counsel, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse 2, New York) for license for constructed Project No. 2474, located on the Oswego River in Oswego County, New York, near Lake Ontario.

Project No. 2474 consists of five powerhouses using water from Dams No. 4, 5, and 7, owned by the State of New York on the Oswego River as follows: (1) Fulton Powerhouse, located at the east end of Dam No. 4 about 11 miles from Lake Ontario, containing one 1,100-horsepower turbine connected to an 800-kilowatt generator and one 600-horsepower turbine connected to a 450-kilowatt generator; (2) Granby No. 1 Powerhouse, located at the west end of Dam No. 4, containing two 1,180-horsepower turbines connected to two 816-kilowatt generators; (3) Granby No. 2 Powerhouse, also located at the west end of Dam No. 4, containing three 700-horsepower turbines connected to two 670-kilowatt generators and one 750-kilowatt generator; (4) Minetto Powerhouse, located at Dam No. 5 about five miles from Lake Ontario, containing five 2,200-horsepower turbines connected to five 1,600-kilowatt generators; and (5) Varick Powerhouse, located at Dam No. 7 about one mile from Lake Ontario, containing three 2,600-horsepower turbines and one 2,900-horsepower turbine connected to four 2,200-kilowatt generators.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 8, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 64-7981; Filed, Aug. 7, 1964; 8:47 a.m.]

[Docket Nos. RI65-94 etc.]

PEAKE PETROLEUM CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 3, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 16, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65-94	Peake Petroleum Co., Kanawha Valley Building, Charleston, W. Va., 25301.	1	11	Hope Natural Gas Co. (Various Leases, Boone, Raleigh, and Wyoming Counties, W. Va.).	$625	7- 8-64	[2] 8- 8-64	1- 8-65	26.88	[3 4] 26.97	RI64-117.
	Peake Petroleum Co.	2	8	Hope Natural Gas Co. (Newberry Lands, Wyoming and Logan Counties, W. Va.).	531	7- 8-64	[2] 8- 8-64	1- 8-65	26.88	[3 4] 26.97	RI64-117.
RI65-95	The Stevens County Oil & Gas Co., Suite B, Colorado Derby Building, Wichita, Kans.	28	3	Northern Natural Gas Co. (Hugoton Field, Shallow Zone, Morton County, Kans.).	34	7- 9-64	[5] 8- 9-64	1- 9-65	[3] 11.0	[6 7 8 9] 12.0	
	The Stevens County Oil & Gas Co.	29	3	Northern Natural Gas Co. (Hugoton Field, Intermediate and Deep Zone, Morton County, Kans.).	96	7- 9-64	[5] 8- 9-64	1- 9-65	11.0	[6 7 8 9] 12.0	
RI65-96	H. F. Sears, 624 Petroleum Building, Amarillo, Tex.	2	9	Colorado Interstate Gas Co. (West Panhandle and West Panhandle Red Cave Fields, Moore and Hutchinson Counties, Tex.) (R.R. Dist. No. 10).	21,630	7- 6-64	[5] 8- 6-64	1- 6-65	[11] 11.0	[10 7] 13.0	
RI65-97	King-Stevenson Gas and Oil Co., et al., Suite 200, 234 North Robinson Oklahoma City, Okla., 73102.	3	4	Panhandle Eastern Pipe Line Co. (Seiling Area, Dewey and Major Counties, Okla.) (Oklahoma "Other" area).	12,000	7-13-64	[2] 8-13-64	1-13-65	[13 14] 15.0	[12 7 13 15] 17.0	
RI65-98	Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa., 19103. Attn: Mr. C. E. Webber.	115	1	Transcontinental Gas Pipe Line Corp. (Cooke Field, LaSalle County, Tex.). (R. R. Dist. No. 1).	385	7- 6-64	[5] 8- 6-64	1- 6-65	[16 17] 13.6823	[10 7 17 18] 14.60	
		115	2								
RI65-99	Oil Lease Operating Co., P.O. Box 7533, Houston 7, Tex., Attn: Mr. Ted R. Stolder.	4	2	Tennessee Gas Transmission Co. (Cold Spring West Field, San Jacinto County, Tex.) (R.R. Dist. No. 3).	1,357	7-13-64	[5] 8-13-64	1-13-65	[8 19] 13.49751	[6 7 8 19] 14.63709	

[2] The stated effective date is the effective date requested by Respondent.
[3] Redetermined rate increase.
[4] Pressure base is 15.325 psia.
[5] The stated effective date is the first day after expiration of the required statutory notice.
[6] Periodic rate increase.
[7] Pressure base is 14.65 psia.
[8] Subject to downward Btu adjustment.
[9] Filing permitted pursuant to Commission order issued Oct. 11, 1963, in Docket No. G-14824. (Rate Schedule No. 29 contractually provides for 14.0 cents and 16.0 cents per Mcf rates for Intermediate and Deep Zones, respectively).
[10] Renegotiated rate increase.
[11] Effective rate under Rate Schedule. Such rate does not include tax reimbursement. Filing reflects present effective rate of 11.135 cents including 0.135 cents tax reimbursement.
[12] Respondent is filing from certificated rate to initial contract rate.
[13] Subject to upward and downward Btu adjustment.
[14] Permanent certificate issued Feb. 27, 1963, in Docket No. CI63-293 at 15.0 cents per Mcf. (Area ceiling for initial service.)
[15] Initial contract rate.
[16] Initial rate.
[17] Subject to downward Btu adjustment for gas under 1000 Btu. Average Btu content of gas sold during 1964 was 960 Btu.
[18] Inclusive of taxes.
[19] Rates inclusive of 0.21931 cent per Mcf payment by buyer for dehydration.

H. F. Sears requests that his proposed rate increase be allowed to become effective as of July 1, 1964; Sun Oil Co. (Sun) requests an effective date of August 3, 1964, and Oil Lease Operating Co. requests a retroactive effective date of January 1, 1964, for its proposed rate filing. Good cause has not been shown for waiving the 30-day notice requirement provided in Section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

The Stevens County Oil & Gas Co. (Stevens) proposes an effective date of October 1, 1964, for its rate increases. These filings are permitted pursuant to an offer of settlement approved by the Commission in its order issued October 11, 1963, in Docket No. G-14824, whereby Stevens was permitted to file for the 1.0 cent per Mcf increases sufficiently in advance of October 1, 1964, the end of the moratorium period, so that such rate changes may become effective on that date after allowing for a thirty day notice period and a five month suspension period. The subject increases were not filed sufficiently in advance to allow them to become effective October 1, 1964, after a full five month suspension period as contemplated in the settlement. Under these circumstances, we believe that Stevens' proposed rate increases should be suspended for the full five month suspension period from August 9, 1964, upon expiration of the statutory notice.

The notice of change in rate filed by King-Stevenson Gas and Oil Co., et al., represents a change in rate from a permanently certificated rate of 15.0 cents per Mcf to the initial contract rate of 17.0 cents per Mcf. The proposed rate of 17.0 cents per Mcf does not establish a new plateau for increased rates nor does it in itself trigger rates in the Oklahoma Other Area.

Sun has amended its basic contract, which originally provided for one cent periodic escalations every four years commencing August 3, 1960, to provide for five-year one cent periodic escalations commencing after November 1, 1968. In addition, the amendment increased the contractually due rate for the period beginning August 3, 1964, from 14.5 cents to the 14.6 cents per Mcf level set forth in the subject filings. The proposed rate is above the applicable area ceiling of 14.0 cents per Mcf for increased rates. Since the basic contract contained no indefinite pricing provisions and none were therefore eliminated by the amended contract, the proposed increased rate does not come within the specific provision of the Second and Seventh Amendments to the Commission's Statement of General Policy No. 61-1 and should be suspended as heretofore ordered.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended [18 CFR, Chapter I, Part 2, § 2.56].

[F.R. Doc. 64-7982; Filed, Aug. 7, 1964; 8:47 a.m.]

[Docket No. E-7173]

PENNSYLVANIA POWER & LIGHT CO. AND METROPOLITAN EDISON CO.

Notice of Application

AUGUST 3, 1964.

Take notice that on July 21, 1964, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act by Pennsylvania Power & Light Co. (PP&L) for authorization to dispose of certain of its transmission facilities to the Metropolitan Edison Co. (Metro Edison). Metro Edison joined in the application, requesting authority to acquire those facilities.

PP&L is a corporation incorporated under the laws of the Commonwealth of Pennsylvania and doing business in that State with its principal business office at Allentown, Pa. Metro Edison is also a Pennsylvania corporation doing busines in that State with its principal business office at Muhlenberg Township, Berks County, Pa. PP&L is engaged principally in the generation, transmission, distribution, and sale of electric energy. It serves a 10,000 square mile territory which embraces 29 countries in central eastern Pennsylvania including

the Counties of Lebanon and Dauphin with a population of 2,265,000. Steam heating service is furnished in the city of Harrisburg.

Metro Edison is also engaged in the generation, transmission, distribution and sale of electric energy. It serves a 3,274 square mile territory, which embraces all or part of fourteen counties in eastern and central Pennsylvania, including the Counties of Lebanon and Dauphin with a population of approximately 750,000. Steam heating service is furnished in the cities of York and Easton, Pa.

The transmission systems of PP&L and Metro Edison are part of a large interconnection of electric utility systems in Pennsylvania, New Jersey, and Maryland (PJM Interconnection) and tied through the PJM Interconnection to utility systems in those States and the States of Delaware, New York, Virginia, West Virginia, and the District of Columbia.

The facilities to be disposed of and purchased, now belong to PP&L, and consist of a 7.586 mile section of double circuit 66 kv wood pole electric transmission line extending from what is presently known as PP&L's structure 13/26 in Union Township, Lebanon County, to what is presently known as PP&L's structure 21/15 in East Hanover Township, Dauphin County, Pa., both inclusive, consisting of 162 single pole structures and 35 two-pole structures, with the crossarms, pins, insulators, guys, conductors and other appurtenant equipment (excluding, however, the so-called Indiantown Gap taps and switches), together with all land rights appurtenant thereto and useful in connection therewith.

The section of wood pole line above described is presently part of a pole line consisting of two 66 kv, three phase circuits owned by PP&L, one connecting its Pine Grove and Paxton Substations and the other its Pine Grove and Harrisburg Substations. The former is presently normally operated opened at the Paxton end and is used for the supply by PP&L to Metro Edison of the latter's requirements at its Indiantown Gap Substation. The latter is presently part of the regional supply network of PP&L connecting its Harrisburg and Schuylkill power supply regions.

According to the application, neither of said lines is any longer required by Pennsylvania for the purpose they heretofore have been used. The application states that Metro Edison is strengthening its supply facilities in its Lebanon Division by the construction of 69 kv transmission lines, one from its Middletown Substation by way of its Hershey Substation and one from its Frystown Substation. The section of transmission line proposed to be sold by PP&L and purchased by Metro Edison will be connected to the above named 69 kv transmission lines being constructed by Metro Edison to form a loop, thus enabling Metro Edison, among other things, to supply its Indiantown Gap Substation from its own system.

PP&L and Metro Edison state that the proposed transaction is mutually advantageous in that Metro Edison will obtain existing facilities at a cost substantially less than the cost of constructing comparable new facilities and PP&L will recover a portion of its investment in facilities no longer useful for its own purpose.

The original cost of facilities and land rights to be transferred is estimated at $112,045 which is a pro rata portion of the original cost of the whole line based on the length of the section to be transferred. Consideration for the proposed sale and purchase is $90,000 which the parties state was arrived at by arms-length bargaining.

Any person desiring to be heard or to make any protest should, on or before August 24, 1964, file with the Federal Power Commission, Washington, D.C., 20426, a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-7983; Filed, Aug. 7, 1964; 8:47 a.m.]

[Docket No. CP64-300]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JULY 31, 1964.

Take notice that on June 12, 1964, Texas Gas Transmission Corporation (Applicant) filed in Docket No. CP64-300 an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act. Applicant requests authority to:

Construct and operate approximately 14.9 miles of 26-inch pipeline in Dearborn County, Indiana, and Hamilton County, Ohio; and

Construct and operate approximately 8.46 miles of 26-inch pipeline in Lafayette Parish, Louisiana.

The 26-inch pipeline to be constructed in Louisiana will result in two complete lines in this major supply area of Texas Gas from the Atchafalaya River to Eunice, Louisiana, thereby providing better dependability of this segment of the system, together with additional capacity at Eunice, Louisiana, all resulting in greater assurance of continuity of service north of Eunice in the event of interruption of supply from other principal gathering lines of Texas Gas' Southern Louisiana system. The 26-inch pipeline to be constructed in Indiana and Ohio will loop a single 26-inch pipeline presently utilized to make substantial deliveries of gas, thereby providing a safety factor in this important segment of Texas Gas' system and better assuring continuity of this service.

The estimated cost of the proposed 26-inch pipelines is $2,651,400 and will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 21, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-7985; Filed, Aug. 7, 1964; 8:47 a.m.]

[Docket No. RI65-100]

JOSEPH E. SEAGRAM & SONS, INC., AND TEXAS PACIFIC OIL COMPANY

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JULY 31, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made

effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 15, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf/14.65 psia		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI65-100	Joseph E. Seagram & Sons, Inc., d/b/a Texas Pacific Oil Co., P.O. Box 747, Dallas, Tex., 75221.	69	2	Phillips Petroleum Co.[1] (Anacker Tippet Smith Field, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin area).	(2)	6-29-64	[3] 8-1-64	8-2-64	[4] 12.04	[4] 13.05	
		76	3	Phillips Petroleum Co.[1] (South King Mountain Field, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin area).	$4,500	6-29-64	[3] 8-1-64	8-2-64	12.0	13.0	
		77	3	Phillips Petroleum Co.[1] (South King Mountain Field, Upton County, Tex.) (R.R. Dist. 7-C) (Permian Basin area).	1,700	6-29-64	[3] 8-1-64	8-2-64	12.0	13.0	

[1] For resale to El Paso Natural Gas Co. under Phillips Petroleum Co. (Operator) FPC Gas Rate Schedule No. 9.
[2] No production or sales estimated.
[3] Contractually provided effective date.
[4] Subject to 0.5-cent per Mcf compression charge if buyer elects to compress to enable delivery of minimum volumes.

Each of the contracts involved herein was executed after September 28, 1960, the date of the Commission's Statement of General Policy No. 61-1, and the proposed increased rates do not exceed the area ceiling for initial rates. Accordingly, the suspension period should be shortened to one day.

The proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-7986; Filed, Aug. 7, 1964; 8:47 a.m.]

[Project No. 2464]

VILLAGE OF GRESHAM

Notice of Place of Hearing

AUGUST 3, 1964.

The hearing in the above-designated matter, fixed by the Commission's order issued July 20, 1964, on the application for license filed by the Village of Gresham to build a hydroelectric project on the Red River in Shawano County, Wisconsin, will commence at 10:00 a.m., c.d.t., August 18, 1964, in Hearing Room No. 4 in the basement of the New Court House Building in Shawano, Wisconsin.

JOSEPH H. GUTRIDE, *Secretary*

[F.R. Doc. 64-7987; Filed, Aug. 7, 1964; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

IMPORTS OF MANGANESE AND CHROMIUM FERROALLOYS AND OF ELECTROLYTIC MANGANESE AND CHROMIUM METALS

Publication of Report on Effects on National Security

The Director of the Office of Emergency Planning made public on July 17, 1964, his report in the above matter. The report concludes an investigation which was requested in an application filed on May 20, 1963, with the Office of Emergency Planning by the Manufacturing Chemists Association, Inc., on behalf of the reactive metals and alloy producers segment of the chemical industry of which eleven companies joined in filing the application. The investigation was conducted under the authority of section 232 of the Trade Expansion Act of 1962.

The Director found, as a result of the investigation, that manganese and chromium ferroalloys and refined metals are not being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

Dated: August 3, 1964.

EDWARD A. MCDERMOTT, *Director, Office of Emergency Planning.*

[F.R. Doc. 64-8007; Filed, Aug. 7, 1964; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2850]

HOLLOWAY OUTDOOR ADVERTISING, INC.

Order Canceling Hearing and Making Suspension Permanent

AUGUST 4, 1964.

The Commission, by order dated May 18, 1964, having temporarily suspended the Regulation A exemption of Holloway Outdoor Advertising, Inc., 9171 Sunset Boulevard, Los Angeles 46, Calif., pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, and the company having requested a hearing, said hearing having been set down for August 5, 1964, and,

The Company having requested a withdrawal of its request for a hearing,

and the Division of Corporation Finance and the San Francisco Regional Office not objecting thereto:

It is ordered, That the request for hearing be, and it hereby is, deemed withdrawn.

It is further ordered, That the hearing in this matter, scheduled for August 5, 1964, be and it hereby is canceled.

Pursuant to the provisions of Rule 261 (b) of the general rules and regulations under the Securities Act of 1933, as amended, the suspension of the Regulation A exemption from the registration requirements of the Securities Act with respect to the public offering of securities by the company becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-7976; Filed, Aug. 7, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 5, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 39179: *Groundwood paper winding cores from and to points in Southwestern Territory.* Filed by Southwestern Freight Bureau, agent (No. B-8579), for interested rail carriers. Rates on groundwood paper winding cores, as described in the application, in carloads, between points in southwestern territory; also from points in official (including Illinois), southern and western trunk-line territories, on the one hand, to points in southwestern territory, on the other.

Grounds for relief: Carrier competition.

Tariffs: Supplements 97 and 94 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4340 and 4394, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-7206; Filed, Aug. 7, 1964; 8:45 a.m.]

[Notice 1027]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 5, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66760. By order of July 31, 1964, the Transfer Board approved the transfer to Eldon O. Bright, doing business as Bright's Freight Service, Topeka, Kans., of Certificate in No. MC 59368, issued August 30, 1949, to Merold Hurd, doing business as P & H Truck Line, Topeka, Kans., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between Topeka, Kans., and Onaga, Kans.; and the operating rights claimed by the latter under the "grandfather clause" of Section 206(a)(7)(b), Interstate Commerce Act, set forth in No. MC 59368 Sub 4, for which a Certificate of Registration is sought corresponding to the grant of intrastate authority by the Kansas Corporation Commission in routes 329 and 786. John E. Jandera, 641 Harrison Street, Topeka, Kans., attorney for applicants.

No. MC-FC 66804. By order of July 31, 1964, the Transfer Board approved the transfer to California Parlor Car Tours Company, a corporation, San Francisco, Calif., of Certificate in No. MC 1515 Sub 2 and MC 1515 Sub 4, issued October 26, 1940, and August 22, 1947, respectively, to California Parlor Car Tours Company, amended November 21, 1963, to show the name of the holder as Greyhound Lines, Inc., Chicago, Ill., authorizing the transportation of: Passengers and their baggage, in one-day or round-trip special tours, over regular routes between San Francisco, Calif., and Los Angeles, Calif., and between San Francisco, Calif., and Reno, Nev. Robert J. Bernard, 140 South Dearborn Street, Chicago 3, Ill., attorney for applicants.

No. MC-FC 66834. By order of July 31, 1964, the Transfer Board approved the transfer to Alexander B. Pollock, doing business as Jiffy Vans, Indianapolis, Ind., of the Certificate in No. MC 93707, issued March 28, 1941, to E. P. Spencer, Louisville, Ky., authorizing the transportation of: Household goods, between Jeffersonville and New Albany, Ind., and points in Jefferson County, Ky., on the one hand, and, on the other, Cincinnati and Norwood, Ohio, points in Kentucky, and those specified in Indiana and Tennessee, restricted against joinder with transferee's rights in No. MC 70015 Sub 1. Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind., 46204, attorney for applicants.

No. MC-FC 66880. By order of July 31, 1964, the Transfer Board approved the transfer to Zip Transfer, Inc., McCook, Nebr., of the operating rights in Certificate in No. MC 57700 Sub 1, issued by the Commission August 25, 1959, to Gerald E. Sines, doing business as Zip Transfer, McCook, Nebr., authorizing the transportation, over regular routes of general commodities, excluding household goods, and other specified commodities, between McCook, Nebr., and Haigler, Nebr., between McCook, Nebr., and Ogallala, Nebr., and between McCook, Nebr., and Stockville, Nebr., and of the operating rights in Certificate of Registration in No. MC 57700 Sub 4, issued by the Commission December 23, 1963, to Gerald E. Sines, doing business as Zip Transfer, McCook, Nebr., authorizing the transportation of commodities generally, except those requiring special equipment, over regular routes, between McCook and Hayes Center, Nebr., and between McCook and Haigler, Nebr., and over irregular routes between points within a 50-mile radius of Danbury, Nebr., and between points within said radial area on the one hand, and, on the other, points in the State of Nebraska. J. D. Wood, 5 Professional Building, McCook, Nebr., attorney for applicants.

No. MC-FC 67008. By order of July 31, 1964, the Transfer Board approved the transfer to Fiderak Trucking, Inc., Tamaqua, Pa., of the operating rights issued by the Commission July 8, 1958, and January 31, 1961, under Certificates Nos. MC 115994 and MC 115994 Sub 4, to John P. Fiderak and Steve J. Fiderak, a partnership, Tamaqua, Pa., authorizing the transportation, over irregular routes, of anthracite coal, from points in Schuylkill County, Pa., to points in Bronx County, N.Y.; coal, from points in Luzerne and Schuylkill Counties, Pa., to Brooklyn, N.Y.; cinder and concrete building blocks, from Tamaqua, Pa., and points within 15 miles thereof, except Hazleton, Pa., and points within 5 miles thereof, other than the site of the plant of Heights Concrete Products Company, at Hazleton, Pa., to New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., and points in New Jersey; coal, from points in Luzerne County, Pa., within 5 miles of Hazleton, Pa., including Hazleton, and from points in Schuylkill County, Pa., to New York, N.Y.; and slag, from points in Warren County, N.J., to New York, N.Y., with certain restrictions. James R. Bowe, 129 West Broad St., Tamaqua, Pa., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-7207; Filed, Aug. 7, 1964; 8:45 a.m.]

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